

# LAW ENFORCEMENT TRAINING GUIDANCE: STALKING RESPONSE



Stalking is a prevalent, dangerous, and traumatic crime that too often goes unrecognized, uncharged, and/or unprosecuted. Policy, procedure, directives, staff conduct, and training are all part of changing this and holding stalkers accountable for all of their crimes.

Training sessions must be designed for every member of the department – from dispatchers and frontline officers to detectives and supervisors. Responders at every level need to recognize that they are accountable to the victim. Field training officers, supervisors, local commanders, and top commanders must all take on leadership roles. These include early identification of the problems and early intervention to enhance victim safety and stop the stalking; a sound system of data collection to identify stalking behaviors and situations; information sharing and collaborative problem-solving; coordination of victim services and police responses; cooperative partnerships with key community stakeholders; and a system for monitoring and evaluating police responses, to ensure that victims receive the best possible support and protection.

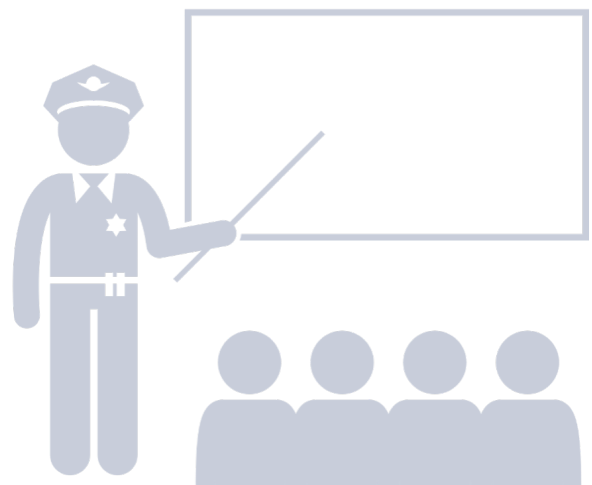
All officers should receive ongoing training that specifically addresses the realities, dynamics, and investigation of stalking, as well as legal developments pertaining to stalking. Communications officers, initial responders, field training officers, investigators, supervisors, and victim advocates/witness coordinators should also receive specialized training on the appropriate procedure for identifying and responding to stalking. General stalking training topics and details for training on the standard operating procedure for responding to stalking are listed below.

For additional resources and support on law enforcement’s response to stalking:

- Visit [www.StalkingAwareness.org/law-enforcement-resources](http://www.StalkingAwareness.org/law-enforcement-resources)
- Contact SPARC at [tta@stalkingawareness.org](mailto:tta@stalkingawareness.org)

[SPARC’s website](http://www.stalkingawareness.org) 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](#)
- [The Judicial Officer’s Guide to Stalking](#)
- [Tips for Campus Professionals](#)
- [Recorded Webinar Trainings](#)



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## Stalking Response Training: Topics and Resources

### 1) General Stalking Training

#### A. Stalking Behaviors and Crimes

- Behavioral and legal definitions of stalking
- Surveillance, Life Invasion, Intimidation, and Interference through sabotage or attack (SLII) framework and examples of stalking behaviors
- Common myths and misconceptions
- SHARP and 14 risk factors
- Use of technology to stalk
- Co-occurring and interconnected crimes
- Identifying stalking when the victim does not use the words “stalking” or “harassment,” documenting fear and harm, contextualizing the threat
- Coordinated community response strategies

#### B. Stalking Victims

- Impact and effect of trauma on victims; hypervigilance
- Victim empowerment and victim-centered response including the importance of victim advocacy support
- Commonly exhibited victim behaviors, balanced with an understanding that everyone reacts differently
- Cultural considerations and underserved populations
- Stalking screening questions and effective interviewing to avoid re-victimization
- Documentation logs
- Safety planning

#### C. Stalking Offenders

- Characteristics and behaviors of stalking offenders
- Victim targeting, intimidation, and coercion by offenders
- High incidence of serial offenders

#### D. Agency Stalking Policy and Procedures

### 2) Specific Training for Communication/Dispatch

- Communicating with victims
- Appropriate coding and prioritization
- Information to gather from victims
- Steps to convey to victims regarding evidence preservation (if applicable)
- Impact of trauma on the victim
- Role in prosecution
- Detailed standard operating procedure

### 3) Specific Training for Initial Officer Response, Investigations, and Field Training Officers

- Effective communication with someone impacted by trauma to minimize re-victimization
- Effective communication with victims of stalking
- Investigation and interview strategies that focus on the offender's actions, including course of conduct and emotional distress
- Preliminary investigation guidelines for first responders and first line supervisors
- Proper evidence collection, documentation, and case management
- Technology-facilitated stalking and preservation of digital evidence
- Effective strategies for interviewing witnesses and victims
- Effective strategies for suspect interviewing and interrogation
- Effective and accurate documentation, language, and report writing
- Agency risk, lethality, danger assessments
- Detailed standard operating procedure



### 4) Specific Training for Supervisors

- Reviewing reports and appropriate expectations of officers
- Supervising officers around identifying and responding to stalking
- How to show leadership around appropriate stalking response
- Detailed standard operating procedure

### 5) Specific Training for Systems-Based Victim Advocates and Victim Witness Coordinators

- Providing a trauma-informed response
- Advocating for victim needs
- Support services available for victims
- Detailed standard operating procedure

### 6) Resources to Support Training

- Materials from the [Stalking Prevention, Awareness, & Resource Center](#), including:
  - [Law Enforcement Response to Stalking](#)
  - [Documenting Stalking Incidents & Behaviors](#)
  - [Fact Sheets and Infographics](#)
  - [Informational Videos](#)
  - [Recorded Trainings on Stalking](#)
  - Partner resources for [Prosecutors](#), [Victim Services](#), [Judicial Officers](#), [Campuses](#)
- [Stalking Investigations Roll Call Training Videos](#) from the Institute for Coordinated Response
- [Stalking & Harassment Assessment & Risk Profile \(SHARP\)](#)
- Local community support services and resources

## Stalking Response Training: Detailed Standard Operating Procedure

When training on law enforcement response to stalking, it is vital to go beyond the basics listed in [SPARC's Agency Model Policy on Stalking Response](#). A policy helps everyone to understand the roles that others play and how they all fit together, but each role has additional steps that should be part of practice and procedure. Below is an expansion of the SPARC's Model Policy that includes additional important pieces that should be included in any training.



### I. Police Communications Procedure



It is vital to provide dispatchers and operators with the training to be able to identify potential stalking calls. Stalking calls carry increased risk and may be volatile, dangerous situations; stalking is one of the top ten risk factors for intimate partner homicide.<sup>1</sup> Any in-progress potential stalking call should be given the same priority as any other life-threatening call. A call reporting potential stalking behavior that is not in progress should be taken seriously and a thorough investigation should begin as soon as possible. Notice of an active stalking case should be included in the data provided to dispatchers and then to responding officers over patrol data systems. Dispatchers and operators should consider that a wide variety of calls could be part of stalking behavior. Any time a victim reports any harassing behavior, [consider the possibility of stalking](#) and verify if it is an isolated incident or repeated conduct. Fear and/or emotional distress are key components of stalking, but what is frightening or distressing to one person may not be to another.

#### A. Obtain Relevant Information from the Caller:

- i. Identify if the incident is part of a course of conduct and so may be related to stalking. If the incident is in progress and/or the suspect is present or on their way, assign the same priority rating as any other life-threatening call.
- ii. Determine if there are any relevant protection orders or other court orders.
- iii. Document initial information about the suspect's conduct as it may constitute other crimes (e.g., domestic violence, sexual assault, harassment, trespass, vandalism, property damage, protection order violations, arson, sexual offender registry requirements violations, illegal firearm possession).
- iv. If the suspect is a law enforcement officer or member of the criminal or civil justice system, implement agency policies and protocol established for such situations.



#### B. Obtain Offender History and Information on the Likelihood of Danger:

- i. Follow standard agency procedure to search available databases to provide responding officers with crucial criminal and civil information, including prior stalking arrests and convictions, firearm possession prohibitions, current and pending protection orders, bond orders, conditions of release, outstanding warrants, or unexecuted sentences (e.g., escape from custody, revoked parole or post-sentence bond, deferred sentence).

#### C. Provide Victim with Information:

- i. Encourage the victim to call and report any and every future incident related to this situation so that law enforcement has documentation of it as part of a stalking course of conduct.

#### **D. Dispatch Priority:**

- i. If the incident is in progress and/or the suspect is present or on their way, two officers should be dispatched immediately because stalkers require a priority response. (Additional information may be gathered while the unit is en route, and then passed on to the officers.)
  - a) In this case, a supervisor should be alerted and will respond, if necessary, taking into account that it may be a volatile, dangerous situation and stalking calls can carry increased risk.

## **II. Initial Officer Procedure**



The initial officer's response is a chance for early and swift recognition of potential stalking cases, which is critical for victims' safety. Any time a victim reports any harassing behavior, [consider the possibility of stalking](#) and verify if it is an isolated incident or repeated conduct. In stalking cases, law enforcement officers have a unique opportunity to respond in a proactive way and potentially prevent future harm to a victim and/or people close to them. Assessing the potential threat posed by a stalking suspect is an important step towards that goal. The first responding officer should determine whether the call amounts to criminal stalking, the incident might be a precursor to stalking, or the incident is part of a course of conduct that amounts to stalking. All stalking behaviors (including but not limited to [surveillance, life invasion, intimidation, and interference through sabotage or attack](#)) should be investigated and taken seriously.

#### **A. Respond to the Call:**

- i. Respond as soon as possible, whether the call is for a recent or past event.
- ii. Two officers should respond to any call that is in progress and/or for which the suspect is present, has just left, or may be on their way to the scene. Consider that offenders often watch and monitor officer response. If the suspect is not present, the backup officer should canvas the area looking for the suspect.
- iii. Use information provided by the dispatcher to evaluate the potential for violence; request additional information if necessary.

#### **B. Address the Immediate Needs of the Victim:**

- i. Assure the victim that their immediate safety is the first priority.
- ii. If it is an in-progress call, consider calling victim services once the crime scene is secure and the victim is safe. It is important to refer the victim to support services.
- iii. Assess the need for an interpreter or translator for the victim, witnesses, or suspect. *It is best practice not to rely on family members or interested parties for interpretation or translation except in emergency situations.*
- iv. Assess and provide for the safety needs and care of any children, family members, or others associated with the victim—including first aid, emergency medical services, and transportation to and from a designated medical facility.

### C. Conduct an Initial Interview with the Victim:

- i. Limit the interview to those questions necessary to achieve the apprehension of the suspect and determination of the jurisdiction and only to the extent the victim's physical and emotional condition permits. Additional questions should be withheld until a follow-up interview.
- ii. Before attempting to interview the victim, move with the victim to a place that provides privacy, is out of eyesight and earshot of the suspect, and is away from any children present. Ask the victim if they want a victim advocate or support person to be present, recommend they connect with a victim advocate for support and safety planning, and include a victim advocate in all interviews if the victim indicates a desire for such support.
- iii. Ask questions in a victim-centered, [trauma-informed manner](#) (taking care to rephrase questions that may seem to blame or judge the victim). Be calm and patient. Be clear that you want to help. Explain the necessity for asking any personal questions or questions that may make the victim uncomfortable or embarrassed.
- iv. Assume the accuracy of statements made by the victim until evidence suggests otherwise. Convey confidence in the victim's statement regardless of their relationship with the suspect.
- v. Follow agency protocols related to the use of body-worn cameras or other recording devices.
- vi. Obtain preliminary information from the victim about the crime and specifics leading up to the incident(s), the relationship between the victim and suspect, any prior history of inappropriate or threatening conduct, any court orders, any use of weapons, or any use of alcohol or drugs. Inquire about previous reports or incidents the suspect has perpetrated against the victim. Determine the date, place, and jurisdiction relevant to each.
- vii. [Screen for SLII \(Surveillance, Life Invasion, Intimidation and Interference through sabotage or attack\) stalking behaviors](#) by asking if the suspect has:
  - a) Been tracking, following, or monitoring the victim in any way? (surveillance)
  - b) Repeatedly invaded the victim's life or privacy by initiating unwanted contact with the victim? (life invasion)
  - c) More than one time, intimidated or frightened the victim through threats, property damage, threatening or actual harming of pets, or other means? (intimidation)
  - d) Significantly and directly interfered with the victim's life? (interference through sabotage or attack)
  - e) Ever threatened the victim about reporting to or cooperating with law enforcement? Is this the first time the victim has been able to report the offender's conduct to law enforcement?
- viii. Document a timeline by writing out the contact and communication between the victim and suspect by date, noting the context and event details.
- ix. Document how much the suspect knows about the victim's work, home, personal life, daily routine, regular activities, etc.
- x. Document any statements that describe sensory and peripheral details recounted by the victim that give context to the trauma experienced from the event(s).
- xi. Ask how the suspect's behavior makes them feel and what the suspect's behavior means to them.

- xii. Ask about any actions the victim or others have taken to end or minimize contact with the suspect and/or change the suspect's behavior. Record the "excited utterances" of the victim, family members, and witnesses, specifically including expressions denoting fear.
- xiii. Ask if the victim has ever sought support services due to the suspect's behavior (a domestic violence shelter, homeless shelter, sexual assault services, other support services).
- xiv. Specifically, document indications of the victim's fear resulting from the suspect's conduct directed toward them, as evidenced by statements, physical reaction, body language, or behavior.
- xv. If the victim has physical injuries, document the injuries in detail, and inquire about injuries that may not be visible (e.g., blows to the stomach, head, or strangulation). Use body charts to assist in documentation of injuries. Use photography to provide additional documentation whenever possible. Inform the victim that state victim compensation may cover the costs of their exam and treatment. Provide or arrange for the victim's transport to and from medical facilities. Inform the victim that it would be helpful to photograph injuries again after 24, 48, and 72 hours.
- xvi. Obtain information to determine if the suspect's conduct constitutes [additional crimes](#).
- xvii. Inquire if complaints have been filed against the suspect previously, by whom, and in what jurisdictions.
- xviii. Arrange for the victim's transportation to a place of safety if the victim so desires (e.g., a shelter, a friend's/relative's house, or a hotel).
- xix. Obtain multiple points of contact for the victim such as phone number, e-mail address, social media profiles, instant messaging handles, and identity of family or friends who would know how to contact victim.
- xx. Obtain contact information for any temporary residence where the victim may move for safety.
- xxi. Obtain address/phone information for any family member and/or other person entrusted with the victim's forwarding contact information.

#### **D. Identify and Interview Witnesses:**

- i. Identify any witnesses and document their full names, addresses, and phone numbers. Note their relationships with the victim.
- ii. Interview nearby residents, coworkers, and any others who may have witnessed the current or previous incidents of stalking or related conduct, including anyone the victim may have been speaking with by phone or video chat. Specifically request information concerning evidence of the victim's fear created by the suspect's conduct.
- iii. Interview witnesses the victim has identified as having discussed the situation with.
- iv. Note the demeanor of witnesses and consider collecting recorded/written statements from each.
- v. Attempt to memorialize any witness statement through use of video and/or audio recording.
- vi. Following agency protocols, interview children who may have witnessed the incident. Inquire about previous incidents of stalking conduct directed at the victim or themselves. Interview children in a manner appropriate for their age and in a way that does not put their safety at risk or inflict additional trauma. Use non-leading questions. Document any excited utterances, indications, or signs of injuries, past or present.

## **E. Interview the Suspect:**

- i. If the suspect is present and appears to be a law enforcement officer, implement agency policies and protocol established for such situations.
- ii. Attempt to interview the suspect prior to arrest if they are present or can be located.
- iii. Use body-worn cameras or other recording devices to record the suspect's interview according to agency policy.
- iv. Obtain general information from the suspect and about their relationship to the victim.
- v. Ask the suspect to tell their side of the story. Do not challenge or criticize what they are saying. Particularly note any indication of their intent to place the victim in fear.
- vi. Ask questions to clarify statements and facts asserted by the suspect.
- vii. Ask the suspect about previous relationships and if they have previously been accused of something of this nature. If so, inquire about the circumstances.
- viii. Ask the suspect to provide their phone numbers and companies, the make and model of their communication devices (phones, tablets, computers), and the social media profiles they use.
- ix. Record the suspect's excited utterances, emotional and physical condition, and demeanor.
- x. Note any evidence of substance/chemical consumption.
- xi. If the suspect cannot be found, apply for a warrant if probable cause is established.
- xii. If the suspect is subsequently taken into custody, attempt to interview them only after the Miranda warning has been issued to them and the suspect has waived their rights.

## **F. Investigate the Scene:**

- i. Determine whether there are multiple crime scenes (e.g., threatening conduct that began in one location and continued or ended in another).
- ii. If the suspect is present and appears to be a law enforcement officer, implement agency policies and protocol established for such situations.
- iii. Collect and secure evidence of stalking and any other co-occurring crimes identified while respecting that a victim may decide to participate or not.
- iv. Collect all evidence of stalking-related communications between the suspect and victim, including phone calls, voicemails, text messages, emails, letters, social media, dating apps.
- v. Check for devices and software that can be used to monitor or track the victim.

## **G. Determine Arrest and Charges:**

- i. Charge the suspect with all identified co-occurring crimes arising from the incident. Contact the prosecutor with any questions or concerns regarding appropriate charges.
- ii. Adhere to state law regarding the arrest decision. Do not consider any other factors (i.e. speculation that the victim will not go forward; likelihood of conviction; the victim's behavior prior to the incident; or the race, culture, sexual orientation, class, or profession of either party).
- iii. Arrange for the suspect's transport to an appropriate facility to collect physical and medical evidence, if necessary. If possible, transport the suspect to a facility other than the one to which the victim was sent.





- iv. If the suspect is arrested, notify officials at the detention center that they may attempt to contact the victim while incarcerated. Request that the suspect's communications while incarcerated be monitored and controlled to the extent possible.
- v. Advise the victim that the suspect's arrest is not a guarantee of safety, as the suspect may be released on bond shortly after arrest and pose an immediate threat to the victim or their family.
- vi. If the suspect is not arrested, explain to the victim the reasons for the decision.
- vii. If the decision not to arrest is based on a lack of evidence, explain to the victim what additional evidence is required to establish probable cause for arrest.
- viii. If no arrest is made, consider requesting an emergency protection order on behalf of the victim, if applicable in your jurisdiction or referring the victim to apply on their own behalf.
- ix. If the suspect is not arrested, make it clear to both parties that the police take stalking seriously and that further conduct that constitutes stalking or other related crimes may lead to arrest.

#### **H. Determine Violation of Federal Law:**

- i. If possible, determine if the suspect's conduct violates federal law (e.g., crossing a state line or in and out of tribal territory to inflict bodily injury, to stalk, or to violate a protection order). If so, follow protocol established to notify appropriate federal authorities.

#### **I. Write a Detailed Incident Report:**

- i. Complete a written report, whether or not an arrest is made. If an arrest was not made, explain the rationale and circumstances for that decision in the report.
- ii. Include all information obtained from interviews and from evidence collection in the report.
- iii. Include all supplemental documentation as required by agency protocol.
- iv. Include a timeline of the incidents establishing a stalking course of conduct.
- v. Document previous incidents between the parties, either incidents known to responding officers or as reported by the victim or other witnesses.
- vi. Indicate in the report that the interview with the victim was preliminary in nature and not intended to elicit the victim's recollection in detail.
- vii. Provide the follow-up investigator with all related information, reports, and documentation.

#### **J. Provide the Victim with Essential Information:**

- i. Provide the victim with written referrals to system- and community-based assistance agencies and organizations.
- ii. Follow your agency policy and jurisdiction's statute around notifying victims of their rights (e.g., the rights to notification, to be present, and to make a statement at proceedings; the right to apply for crime victim compensation), which is best to do as soon as possible. Consider having victim rights cards that are given out at initial contact, in addition to agency policy. Encourage victims who opt for notification to keep the agency informed of any change in their contact information.
- iii. Notify the victim of the state victim/witness harassment and intimidation laws and provide them with options, guidelines, and strategies for reporting and prosecuting violations of such laws by the suspect, their family, or their agents.

- iv. Notify the victim of their right to seek an emergency protection order, if available, and provide information concerning how such an order may be obtained.
- v. Provide the victim with basic information about investigative processes and what role they may play in the investigation.
- vi. Encourage the victim to call and report any and every future incident related to this situation so that law enforcement has documentation of it as part of the pattern of behavior. Provide the victim with a [stalking documentation log](#).
- vii. Provide the victim with immediate short-term safety recommendations and preliminary safety planning strategies, as necessary.
- viii. Notify the victim of any arrests made in connection with the case.
- ix. Refer the victim to sign up for [Victim Information and Notification Every day \(VINE\)](#), a free service that provides updates on suspects' and inmates' custody status, scheduled release, and more. As an officer, VINE is also available to you to receive notifications about suspects.
- x. While still at the scene, provide the victim in writing with your name, badge number, and contact information along with the case number and information on how to obtain a copy of the incident report without charge.
- xi. Observe agency policy to protect the identity and dignity of stalking victims from the media, coordinating such privacy considerations with the law enforcement public information department, victim advocacy organizations, and the news media.
- xii. Officers should advise stalking victims that law enforcement cannot guarantee the victim's safety around-the-clock. Officers should assist victims in identifying options to help increase their safety. Officers should consider victims have a right to determine their safety options including self-defense in accordance with the laws of the jurisdiction.
- xiii. Officers should be cognizant of potential civil liability regarding the suggestions and recommendations they offer to the victim because stalkers are unpredictable and standardized plans that a particular victim tries to implement may not always work.

## **K. Follow Up**

- i. Determine if crimes may have occurred in different jurisdictions. Request copies of reports from those jurisdictions.
- ii. Review and preserve all 911 and/or emergency dispatch tapes.
- iii. Transport all collected evidence to a designated forensic lab for analysis and/or to the law enforcement property room for storage in a way that maintains the proper chain of custody.
- iv. Coordinate the prompt return of the victim's property seized as evidence as soon as it is no longer needed for prosecution purposes.
- v. If stalking behaviors include the victim or suspect's workplace, obtain any possible evidence through video surveillance footage, work computers or phones, any equipment used by the stalker that has GPS capabilities, and similar technologies. Contact workplace security to ascertain if there are any reported incidents of stalking or harassment in the workplace involving the stalker. Work with the security department, when possible, to be part of a safety plan for the victim.

### III. Follow Up Investigative Procedure



The investigation is the heart of a stalking case, providing the context, evidence, and story to determine if there is a course of conduct that is directed at a specific person that would make a reasonable person feel fear. The more comprehensive the investigation and evidence collection, the less likely the prosecution will rely solely on victim testimony, which reduces the burden on the victim and the extent of re-traumatization. Stalking can occur in the context of other crimes and other crimes can occur in the context of stalking. Responding officers should always look for and be open to evidence suggesting co-occurring, serial, and interconnected crimes. This will help the investigating officer to gain a complete understanding of what occurred and can ultimately be helpful in efforts to hold offenders accountable and increase victim safety. Stalkers can frequently be charged with a variety of criminal statutes. Monitoring post-intervention stalker behavior is a key part of an investigation, and stalking may actually increase during this time. All stalking behaviors (surveillance, life invasion, interference through sabotage or attack, and intimidation) should be investigated and taken seriously.

#### A. Arrange a Victim Interview:

- i. Arrange for a follow-up interview with the victim as soon as possible, if additional or clarifying information is needed. Allow the victim space to tell their story. Review and update the SLII tactics listed from the initial contact. If possible, allow the victim to choose the day and time, and use a soft interview room.
- ii. Have a victim advocate present at the start of the interview and ask the victim if they want the advocate to stay. Explain that the advocate is available for support and safety planning. Work closely with available victim services providers to support the victim through interviews and other investigation procedures.
- iii. Use timelines and calendars to document the history of stalking incidents and behaviors. Remind the victim that the interview is just a start, and more information can be filled in later.
- iv. Do not use or suggest the use of polygraphs to test the veracity of victim statements.

#### B. Ask the Victim about Context:

- i. How does the victim know the suspect?
  - a) How does the victim describe their relationship with the suspect?
  - b) Has their relationship changed over time? How?
- ii. What type of contact and communication was typical in their relationship? (in-person, phone calls, text messages, emails, social media, mobile applications, etc.; both method and frequency)
  - a) Ask the victim if they know the suspect's phone numbers and companies, communication devices (make and model of phones, tablets, computers), and/or social media profiles.



**C. Ask the Victim about SLII Stalking Behaviors:<sup>ii</sup>**

- i. Ask about SURVEILLANCE:
  - a) Did the suspect ever track, follow, or monitor the victim in any way? In-person or using technology?
  - b) For example, watching them from a distance, waiting for them outside their office or gym or another location, showing up unexpectedly, using tracking software, or obtaining information about the victim online or from others?
  - c) This can be done with smart home devices, tracking software or devices, cameras and recording devices, or by monitoring online activity, accessing the victim's accounts, researching the victim online, or asking others for information about the victim.
- ii. Ask about LIFE INVASION:
  - a) Has the suspect repeatedly invaded the victim's life and/or privacy with unwanted contact?
  - b) For example, repeated phone calls, texts, messages, emails, or gifts, breaking into their car or home when they were not around, showing up uninvited, public humiliation, harassing their friends or family, or other unwanted intrusions?
  - c) This could be unknown numbers calling or texting and harassing them, hang-up calls from random numbers, or calls that show up as a friend or the court but instead it is the suspect.
  - d) This can be done in person or online, by impersonating the victim, by hacking into the victim's accounts, and in other ways.
- iii. Ask about INTERFERENCE:
  - a) Has the suspect significantly and directly interfered with the victim's life through sabotage or attack?
  - b) For example, spreading rumors about them, ruining their reputation, publicly humiliating them, posting private photos or information publicly, jeopardizing their job, interfering with their finances, interfering with their housing, interfering with the custody of children, interfering with immigration issues, interfering with medical care, outing the victim as a member the LGBTQ+ community, pretending to be the victim online, preventing the victim from leaving, attacking the victim, or attacking others close to the victim?
  - c) This can be done in person or online, including hacking into or taking over their financial, social media, or other accounts without their permission.
- iv. Ask about INTIMIDATION:
  - a) Has the suspect intimidated or frightened the victim through threats?
  - b) For example, threats to harm or kill the victim, themselves, pets, or others; threats made with a weapon; property damage; forced confrontations; or sabotage the victim in other ways?
  - c) What has the suspect done that has frightened or alarmed the victim? Has the victim had to change their daily routine to ensure their safety?
  - d) Has the suspect used third parties to make threats?
  - e) Has the suspect ever threatened the victim about reporting to or cooperating with law enforcement?

- v. Ask about Additional Behaviors:
  - a) Has the suspect physically or [sexually assaulted](#) the victim while stalking/harassing/threatening them?
  - b) Has the suspect forcibly kept the victim from leaving, held the victim against their will, caused the victim to have a serious accident, or seriously attacked the victim in other ways?
  - c) Has the suspect physically, sexually, or otherwise assaulted the victim's friends or family?
  - d) Has the suspect ever taken photos or videos of the victim without their consent?
  - e) Has the suspect ever posted photos or videos online of the victim without their consent (even if they were taken consensually)? Has the suspect ever placed a picture of the victim's face on photos or videos using deepfake technology? (Meaning the face was the victim's, but the body was not.)
  - f) Does the victim believe the suspect is using technology to threaten, harass, stalk, or sabotage them?
  - g) Does the victim believe the suspect is monitoring the victim's location or activities using GPS, tracking devices, apps, or spyware? Are they accessing the victim's personal accounts, posting personal information, and/or posing as someone other than themselves?

**D. [Ask the Victim about the Duration, Intensity and Frequency of Stalking Behaviors:](#)**

- i. Approximately when did the suspect's behavior begin to make the victim uncomfortable? What were those behaviors?
- ii. Does the suspect regularly contact or harass the victim in more than one way?
- iii. Does the suspect bother the victim in-person at more than one physical location?
- iv. Has the suspect's behavior increased in frequency or severity in recent months or weeks?
- v. Has the victim kept any records of what has been happening, like a documentation log?
- vi. Does the victim have text messages, voice mail messages, or recent call logs on their phone showing phone calls by the suspect?

**E. [Ask the Victim about Their Response to the Stalking Behaviors:](#)**

- i. Does the victim believe the suspect is capable of harming them or others close to them?
- ii. 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 the victim?
- iii. Did the victim ever move, change phones or other devices, change phone numbers or email or social media accounts, change any account/device settings, etc. because of the suspect?
- iv. Has the victim increased or spent money on security or privacy measures because of the suspect?
- v. Has this impacted the victim's daily life? If so, how?
- vi. Did the victim change routines or activities as a result?
- vii. Has this had an impact on the victim's job, academics, hobbies, etc.?
- viii. What has the victim done differently in their life as a result of this situation?
- ix. Was the victim ever scared, frightened, threatened, or concerned for their safety?
- x. When did they start to feel this way?
- xi. What did they think might happen to them?

- xii. Were they concerned for the safety of their children, family members, friends, and/or coworkers?
- xiii. Is the victim afraid or concerned about a significant financial or social impact the offender has had or might have on their life (e.g., loss of job, loss of housing, deliberate financial harm)?
- xiv. Are there any potential upcoming events/situations that particularly concern the victim about triggering an escalation of the suspect's behavior or violence (e.g., separation/divorce, court date, property dispute, custody dispute, anniversary, birthday, victim's new partner)?
- xv. Does the victim believe the suspect is aware that their actions upset or bother the victim?
- xvi. Does the victim feel they are more vulnerable to the suspect's stalking, harassing, or threatening behavior because there are things about their life that limit their ability to be safe?
- xvii. Does the suspect go to school or work at the same place as the victim? Is the suspect a neighbor or family member? Do they have children in common?
- xviii. Does the victim live in unsafe housing, have limited access to resources, live an isolated life, or have limited access to safety measures?
- xix. Does the victim's community, friends, or family not believe them? Support the suspect?
- xx. Is this the first time the victim has been able to report the suspect's conduct to law enforcement?

**F. Consider the Stalking and Harassment Assessment and Risk Profile (SHARP):**

- i. If jurisdiction practice allows, conduct and review SHARP with the victim by filling out the online form at [www.CoerciveControl.org](http://www.CoerciveControl.org).
- ii. Maintain the automatically generated report for your use in writing the incident report and use the SHARP report as an attachment if jurisdiction practice allows.
- iii. Discuss the SHARP report generated for safety planning purposes with the victim and provide them with a copy; also provide a copy to any victim advocate with whom the victim is working.

**G. Corroborate Victim Statements:**

- i. Document corroboration of victim's statements, including those that support the victim's sensory and peripheral recollections of the crime (e.g., memory of sounds, smells, etc. that may corroborate their case).

**H. Work with the Victim:**

- i. Encourage the victim to contact you or other investigative officers with any new information, evidence, or additional contacts involving the suspect.
- ii. Encourage the victim to document future contact from the stalker by maintaining an incident and behavior log or by capturing contacts via photography, video, or other recording devices. When possible, encourage the victim to keep all call logs, voicemails, and messages from the suspect. Collect and preserve such communication.
- iii. Encourage the victim to protect collected evidence from theft or destruction by the suspect.
- iv. Ask the victim if they want to set up periodic check-in calls (weekly, every other week, or a different timeframe) to see how they are doing and whether there have been further developments.

## **I. Gather Further Information to Support Charges:**

- i. Obtain all records related to the suspect's physical or mental health, including military, employment, and social service records.
- ii. Obtain all records related to the suspect's stalking conduct, including telephone records, email records, computer records, social media accounts, copies of receipts and delivery invoices, etc.
- iii. Obtain copies of records that can verify or disprove the suspect's claims of their whereabouts at the time of stalking incidents (e.g., work records, credit card or other purchase receipts, automated toll records).
- iv. Request a search warrant to seize stalking-related evidence from the suspect's residence(s), office, automobile, boat, etc. Search for items that link the suspect to the stalking conduct, including weapons; ammunition; documents related to the victim; photographs of the victim; video or audio in any way related to the victim; items belonging to the victim; journals, recordings, or letters that mention or relate to the victim; telephone, internet, or other service bills; bills for purchase of items sent to the victim; bills for purchase of software or hardware to track the victim; postal or other delivery receipts; communication devices; ropes; tape; masks; and gloves. Obtain a handwriting sample from the suspect's residence(s) and/or place of business if applicable.
- v. In cases of suspected use of technology to stalk, retain all email, text, social media, or other electronic messages that target the victim. Consider preservation letters early on for all social media and web-based services. Work with internet service providers and email providers to trace the source of such communications to the suspect. Consider contacting allied law enforcement officials with expertise in computer forensics to assist with the investigation. Once probable cause is established, seize the suspect's computer hardware and software, including the hard drive and all file storage media (external drives, thumb drives, or CDs). Look for hard copies of any communications, pictures, etc., that the suspect may have sent to the victim. Consider warrants for seizing computer equipment used by the suspect at home and at work. Use resources like the Facebook Law Enforcement Portal for faster response times on legal requests through Facebook and Instagram.
- vi. Obtain copies of security camera tapes that may have captured the suspect engaging in stalking behavior (e.g., home security cameras, cameras from apartment complexes, government buildings, retail stores, banks).
- vii. Identify and obtain statements from any additional witnesses not interviewed at the scene, and collect all pertinent information.
- viii. Cross-reference fact pattern and "M.O." of the crime with unsolved stalking cases or crimes.
- ix. Based on information gathered during the investigation, identify and contact other potential victims of the suspect (e.g., previous partners of the stalking suspect).
- x. Obtain further information on the suspect's criminal/civil histories and other relevant background, when available.
- xi. Monitor the suspect's jail calls for contact/communication with the victim and with others about the victim.

- xii. Consider the situation for proxy stalking (when the offender enlists others to stalk the victim and report back to the offender), witness intimidation, order violations, and co-occurring crimes.

**J. Address Victim Safety and Support Needs:**

- i. During follow-up with the victim, address their safety and support needs with a system-based or community-based advocate.
- ii. On each subsequent officer contact with the victim, assess the likelihood of continued violence by the suspect toward the victim or other family members. Review and revise safety plans and response strategies, as needed, to provide optimal protection. Conduct lethality assessments and additional SHARPs as circumstances dictate.
- iii. Encourage the victim to inform neighbors, family members, coworkers, and friends of their situation so that others can watch for the suspect and/or the suspect's car and warn the victim and/or the authorities if the suspect appears. Encourage the victim to discourage any third party from intervening with the suspect on their behalf (other than in situations of assisting in self-defense) without first discussing it with law enforcement and victim service professionals.
- iv. Discuss with the victim if they think any technology is being used to stalk them, and how to mitigate that abuse.
- v. Consider offering to provide the victim with a home security check, depending on agency protocol. Suggest measures to increase security (e.g., upgrade locks and lighting; obtain a home security system with a panic button; obtain a cell phone for emergencies; reduce or eliminate foliage or other obstacles around the residence that might provide cover for a stalker; obtain a door alarm stopper for inside the residence when home or in an apartment).
- vi. Encourage the victim to develop strategies that will help them avoid face-to-face contact with the suspect (e.g., vary daily routines and routes traveled; vary shopping locations; avoid making appointments to which the suspect may be privy or which they might anticipate; arrange for escorts when in public, at work, or outside the immediate residence).
- vii. In cases in which the suspect has visitation rights to children in common with the victim, suggest child transfers be done through a third party or neutral location, like the police department, to avoid face-to-face confrontation.
- viii. Encourage the victim to call law enforcement if the suspect violates any existing court orders, including, but not limited to, emergency or permanent civil protection orders or criminal orders.
- ix. Verify the victim has received and understood the information provided during the initial interview.
- x. Keep the victim informed of all developments in the investigation, to the extent that such information will not compromise the investigation.
- xi. Provide the victim with guidance to assist them in documenting the suspect's further stalking conduct.
- xii. Make referrals to any additional stalking and other victim-related assistance services, advocacy organizations, victim compensation programs, and agencies that provide support, counseling, housing, and financial assistance.



**K. Conduct Interview with the Suspect:**

- i. If not already in custody, conduct an interview with the suspect once an initial investigation and background research on the suspect has been completed, to fully address and assess any issues and/or responses the suspect may offer. Use a body-worn camera or other device to record the interview per agency policy.
- ii. Confirm and record the suspect's understanding that they are not under arrest and that they are free to leave.
- iii. Begin the suspect interview using an objective approach (i.e., no accusatory questions, nonjudgmental responses to the suspect's answers) to encourage the suspect to volunteer as much information as possible regarding their conduct toward the victim.
- iv. Ask, "how is what you're doing being misunderstood?" to learn what they think of their behavior.
- v. Ask open-ended questions like the following to learn whether the suspect knew or should have known that their contact with the victim was unwanted:
  - a) Do you know the victim?
  - b) How long have you known them?
  - c) How would you describe your relationship?
  - d) Has your relationship changed?
  - e) How has your relationship changed?
  - f) What type of contact was typical in your relationship? (method and frequency)
  - g) Who are people familiar with the relationship between you and the victim?
  - h) Describe your contact with the victim.
  - i) Describe the timeline or history of this contact.
  - j) How did you contact them?
  - k) Did you receive a response? What was it?
  - l) What was the purpose of the contact?
  - m) Why did you continue the contact (after you were asked to cease, when responses ceased, or when no response was received)?
- vi. Ask about communication devices and contact methods:
  - a) What electronic communication devices do you use? Would you be willing to let us see them?
  - b) What is your cell phone provider?
  - c) What social media accounts do you use and what are your user names? Would you be willing to let us view those accounts?
  - d) What devices do you use to access social media?
  - e) What is your internet service provider?
  - f) Where and how do you access the internet?
  - g) Have you ever been accused of something like this before? By whom? When?
- vii. Assess whether your contact with the suspect may trigger an escalation in the suspect's behavior, creating an increased safety risk for the victim. If so, take precautions to address the potential of increased threat (i.e., extra safety planning for the victim, extra patrols, and police surveillance).

- viii. Conduct relevant agency danger, risk, or lethality assessments of the suspect's behavior.
- ix. If circumstances warrant, consider sending the suspect a warning letter stating they are under investigation for stalking and additional inappropriate action directed toward the victim may result in arrest and prosecution. Include in the statement that the suspect's previous contacts have made the victim fearful, and the victim does not desire any further contact with the suspect. Or instead, consider a recorded call to convey the same information. Discuss these possibilities with the victim and their advocate prior to taking any action, since they could trigger the stalker to escalate their behavior.
- x. In cases where the suspect poses a clear and immediate threat to the victim, consider holding a face-to-face discussion with the stalker to clearly state that their actions are making the victim fearful, and that the victim does not wish any further contact with them. Indicate that any further conduct may lead to arrest and prosecution. Provide this information to the suspect in writing at the time of the face-to-face discussion. Discuss this possibility with the victim and their advocate, since it could trigger the stalker to escalate their behavior.
- xi. In cases where proof of stalking is difficult to establish, consider employing surveillance strategies consistent with established agency protocol.
- xii. Assess whether sufficient evidence is present to establish grounds for involuntary commitment to a secure mental health facility for assessment, temporary observation, or ongoing detention and treatment. If so, notify the victim of the suspect's commitment and subsequent release in a timely manner.

**L. Serve and Enforce Protection Orders:**

- i. Serve all protection orders obtained by the victim against the suspect as soon as they are located.
- ii. Enforce all criminal and civil protection orders, restraining orders, no-contact orders, or conditions of bail, bond, release, parole, or probation against the suspect, including those issued in other jurisdictions or states.
  - a) The Full Faith and Credit Given to Protection Orders provision of the Violence Against Women Act (18 U.S.C. §2265) is a federal law that mandates nationwide enforcement of orders of protection, including injunctions against harassment and stalking, in states, tribes, and U.S. territories.
- iii. Given the increased risk of harm and lethality in stalking cases and the danger that firearms pose, make sure to follow agency and jurisdictional policies on identifying and removing firearms.
- iv. Every law enforcement agency should have a policy on identifying and removing firearms from prohibited persons under the terms of protective orders, under state and/or federal law.
  - a) For more information, see the National Sheriffs' Association [Protection Order Service Checklist](#), the National Center on Protection Orders and Full Faith & Credit's [Firearm Checklist for Law Enforcement](#), BWJP's [Improving the Response to Firearms in the Criminal Legal System](#), and Safer Families, Safer Communities' [Resource Library](#).

### **M. Finalize the Detailed Written Report:**

- i. Complete a written report explaining the context of the situation, the timeline of the course of conduct, information from interviews, physical evidence, and digital evidence.
- ii. Include all supplemental forms as required by agency policies.
- iii. Share the report number with the victim so they can provide the case number to other jurisdictions as necessary.

### **N. Deliver the Case to the Prosecution Office:**

- i. Discuss the case with the prosecution office and conduct further investigation as requested, securing additional evidence and communicating additional information obtained to the assigned prosecutor.
- ii. Provide the victim with the name and contact information for the prosecutor assigned to the case, if such information is known, and facilitate the initial contact and/or meeting between them.
- iii. Facilitate contact between the victim and prosecutor-based victim services, if available.
- iv. Complete necessary reports and forms and transfer the information to the prosecution office.
- v. Where possible, provide the victim with the secure transportation necessary to enable their participation in the criminal process and to facilitate their access to assistance services.

## **IV. Systems-Based Victim Advocate or Victim Witness Coordinator Procedure**

Victim advocates need training on how to provide trauma-informed support and advocacy for stalking victims, including safety planning. Systems-based or community-based victim advocates should be included through the interview and investigative process if the victim desires. Victim advocates should coordinate with this agency's officers, agency support services, external support services, and other partners as necessary to empower the victim and provide them with the services they need.

### **A. Support Victims:**

- i. Victim advocates should explain to victims their role in supporting victims and that they will be present at all victim interviews if the victim desires, to provide trauma-informed support and advocate on behalf of the victim.
- ii. Victim advocates should explain the confidentiality – and any lack thereof – of their communications with victims.
- iii. Victim advocates should discuss with victims the possibility of conducting the SHARP assessment and safety planning, and conduct them as the victim desires.
- iv. Victim advocates should explain the systems-based and community-based services available to victims and connect them with the resources they desire (including but not limited to counseling and support groups, victim compensation, VINE, housing support, food support, immigration relief, and more).



## V. Supervisor Procedure



Supervisors have a key role in ensuring comprehensive responses to and investigation of stalking. Supervisors are responsible for ensuring compliance with agency policy as well as for holding subordinates accountable and taking corrective action. They need a thorough understanding of stalking behaviors and dynamics in order to appropriately determine if subordinates properly follow procedure and identify and charge stalking or not. Supervisors are also responsible for setting the tone that stalking requires an urgent response and can be a volatile, dangerous situation with increased risk to both victims and officers.

### A. Supervise Officer Performance:

- i. Review officers' incident reports to ensure the Standard Operating Procedure is being followed, officers are responding and investigating appropriately, and appropriate charges are being filed.
  - a) Identify if stalking and/or a course of conduct is not being identified when it should be.
- ii. Oversee officer compliance with agency policies and procedures and state and federal laws related to stalking (e.g., incident reporting, weapons confiscation, and evidence collection).
- iii. Oversee officer compliance with interagency agreements related to stalking.
- iv. Oversee officer performance concerning enforcement of protection orders.
- v. Review each officer's performance when responding to stalking cases.
  - a) Reward officers for appropriate and exemplary performance.
  - b) Undertake corrective action with officers whose performance fails to meet appropriate standards.
  - c) Reassign officers whose response to stalking cases consistently fails to meet performance standards.
- vi. Determine and identify the need for additional officer training or supervision. Work with administrators to develop an approach that will address the identified needs.
- vii. Encourage all officers to stay up-to-date on stalking dynamics through training and continuing education.

### B. Standardize Procedure:

- i. To the extent possible, assign a single officer or detective to the case to provide maximum continuity in the agency's response and to encourage full collaboration between the assigned officer and the victim.
- ii. Follow a standardized procedure to review reports, check in on cases, and facilitate compliance with statutorily mandated duties and all relevant agency policies and procedures.

### C. Review Cases:

- i. Review case classification practices and procedures to ensure stalking cases are properly classified.
- ii. Review 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.



## VI. Stalking by Justice System Personnel Procedure



No stalking suspect should receive special treatment; the same standard operating procedure should be followed when the stalking suspect or victim is part of the criminal or civil justice system, including a law enforcement officer, as well as an elected or public official. In order to ensure no preferential treatment is given in these situations, as well as to ensure there is no perception of preferential treatment, the additional steps below should be followed. It is vital to conduct an administrative investigation concurrently with any criminal investigation because they are separate matters and it is just as vital to uphold code of conduct and administrative policy requirements as it is to hold criminal offenders accountable.

### A. Monitor for Appropriate Response and Notification:

- i. When the stalking suspect or victim is an employee of the criminal or civil justice system, a supervising officer should be dispatched to the scene and ensure proper protocol is followed and no special dispensation is given.
- ii. When the stalking suspect is an employee of the criminal or civil justice systems (judicial officer, prosecutor, attorney, court clerk, probation officer, federal officer, etc.), the head of the suspect's agency or department should be notified of all calls for service, allegations, arrests, and charges by the head of this agency or designee.
- iii. When the stalking suspect is an employee of another law enforcement agency, the lead officer of that agency will be notified of all calls for service, allegations, arrests, and charges by the head of this agency or designee.
- iv. When the stalking suspect is an employee of this agency, they will be treated as any other suspect of a criminal stalking complaint and the head of this agency will be notified. The criminal investigation will include whether they improperly used any agency resources in their stalking course of conduct.
- v. When the stalking suspect is an employee of this agency, the head of this agency will immediately be notified. This agency will immediately begin an administrative investigation concurrently with the criminal investigation, to determine if the employee violated agency policy and/or improperly used agency resources or their position. If the behavior of the employee is criminal in nature, the head of this agency will determine if the investigation should be conducted by an outside agency.
- vi. When an employee of this agency is determined to have engaged in stalking behavior, violated agency policy, improperly used agency resources or their position, and/or engaged in criminal stalking, this agency will enact appropriate consequences up to termination.

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#### Citations

<sup>i</sup> 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.

<sup>ii</sup> Logan, T.K. & Walker, R. (2017). Stalking: A Multidimensional Framework for Assessment and Safety Planning. *Trauma, Violence & Abuse, 18*(2), 200-222.