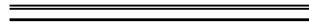


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Enhancing Stalking Investigations and Building Community  
Coalitions for Effective Prosecutions**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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July 2013**

## **ABSTRACT**

In law enforcement, there is a deficiency in investigating stalking crimes. The absence of quality training and policies for police officers who investigate stalking crimes increases the likelihood that stalkers will continue to torment or possibly kill the victims. Of the stalking offenders who are arrested for stalking, very few receive convictions or the charges are downgraded to lesser criminal offenses. This research will assist police officers; managers; advocates; and local community members in understanding the signs, indicators, and dangers of stalking. The premise of this study is that law enforcement should provide more investigative training and attention to victims regarding stalking investigations in order to enhance a successful prosecutorial outcome in Texas, while at the same time assisting victims in the recovery process by building multidisciplinary teams.

The information that supports the thesis of this research is from academic journals, peer reviews, and documents from the internet. The concepts of this study are to address the need for better training in stalking investigations, not just for police, but for all the relevant stakeholders, with an effort to better understand the dynamics and dangers of stalking for first responders. Finally, the research will address the needs of the victims during the investigation and, more importantly, his or her needs after the initial police report. The research concluded that stalking is not a private matter that does affect not only the police, but the community. Proactive approaches to working with the victims of stalking at a multidisciplinary level will increase the likelihood of a more successful prosecutorial outcome and assist the victim in a faster recovery process.

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## INTRODUCTION

Among of the most common and often dangerous calls for police officers to respond to are those involving domestic violence. Police officers expend a tremendous amount of time and energy training to, responding to, and investigating family and domestic violence investigations. Unfortunately, there is a key crime and byproduct of family or domestic violence that goes either unreported by the victim, or worse, is not investigated by police: stalking. Within intimate partner abuse literature, stalking has been understood as a chronic problem rather than an acute one, with separation from the abusive partner often only increasing the behavior, which lasting an average about two years (Cattaneo, Cho, & Botuck, 2011, p. 3432).

According to the Stalking Resource Center in 2012, 3.4 million people over the age of 18 are stalked each year in the United States (Baum, Catalano, Rand & Rose, 2009, p.1). Stalking can occur while a victim is still in a relationship or after the victim has ended the relationship. Of those 3.4 million, it is reported by the National Center for Victims of Crime (NCVC) that three in four stalking victims are stalked by either a current or former intimate partner (Baum, Catalano, Rand, & Rose 2009, p.1). This indicates that the crime of stalking occurs while the suspect is still married or intimately involved with the victim. Baum, Catalano, and Rand's (2006) research reported, "One in four victims in his study was stalked through the use of some form of technology (such as email or instant messaging)" (p. 5). Social media, such as *Facebook*, *Twitter*, and *MySpace* are often used by the stalking partner to track or harass the victim from great distances. Furthermore, a cellphone with blue-tooth capability or a camera installed in it

can be manipulated into a tracking device or activated by a stalking partner even when the device is not powered up.

Every state has a law for defining and punishing stalking. However, stalking is generally defined as “a course of conduct or pattern of behavior that would cause a reasonable person to fear bodily injury or death for himself/herself or a member of his/her immediate family” (Tjaden & Thoennes, 1998, p. 2). In the State of Texas, the stalking statute not only emphasizes the fear of injury or death but also property damage. The crime of stalking in Texas also affords protection to include third party victims (dating or new spouse partners), as well as companion pets and animals in the category of victims. Stalking differs from many other crimes. Stalking is “the repeated victimization of a targeted or specific individual during a continuous act or acts rather than a single incident and it is further defined by the fear that victim is feeling or enduring at the time the stalking is occurring” (Velazquez, 2010 p.1). In Texas, stalking victims fall under the protection of protective orders under the same categories of family violence, sexual assault, and human trafficking.

Regardless of the expansion afforded to victims in Texas under the category of stalking, there is a dearth of quality training for police officers or first responders who investigate crimes of stalking in the State of Texas. For instance, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) currently has a 618-hour minimum for the Basic Peace Officers Academy. The crime of stalking is defined only once in the Penal Code section, only mentioned in the protective orders section in the Texas Code of Criminal Procedure (CCP), and very briefly discussed during the family violence investigations module. The total time spent

discussing stalking crimes is fewer than three total hours of instruction during the police academy. Furthermore, there is no course specifically dedicated solely to stalking investigations in the State of Texas.

The lack of training is creating a vacuum in the State of Texas and in the criminal justice system, one in which stalkers often go unpunished and victims remain tormented, in most cases, by the offenders. Police officers are dispatched to repeated calls for service in which the victim is calling for assistance with no successful outcome. In some instances, the end result is the murder of the stalker by the victim or a murder-suicide in which the victim kills the stalker and then kills herself or himself to end the torment. This results from a loss of security and closure, thus denying the victim any chance of justice, peace, and recovery.

The focus of this research is to identify the gaps in current police training and procedures, as well as to suggest techniques that will enhance the quality of stalking investigations. This will hopefully increase the likelihood of successful prosecution of offenders. Additionally, this research seeks to address the needs of stalking victims at the time of the investigation beyond the basic penal code criteria. The research should increase awareness to better assist officers with completing a more thorough investigation that will assist the prosecution at trial, while at the same time creating better coalitions with local advocates within the community.

## **POSITION**

The crime of stalking is a frequently misunderstood and often unnoticed offense for police investigating domestic and family violence cases. Stalking is romanticized by movies and/or television shows portraying either a deranged spouse or unknown

suspect (to the victim) who is engaging in stalking. The stalker, who may have a long history of stalking using technology-based surveillance techniques to track the victim, may assault the victim. In these roles, the suspect is perceived as being an obsessed psychopath with the ultimate goal of killing the victim if he cannot have him or her in the end. In reality, this is simply not true. Unfortunately, officers miss indicators of stalking, such as interpersonal dynamics, ongoing harassment, torment, and having power or control over the victim for a long period of time.

The reality of the situation in most stalking cases is that the suspect and victim know one another. There is not a great deal of high surveillance technology used by the stalker, and some of the stalking may occur while both parties are married to one another or intimately involved. Tjaden and Thoennes (2000) reported in their study that a review of 1,785 domestic crime reports showed that one in six (16.5%) of those reports contained evidence that the suspect stalked the victim. The suspect and victim had either been married or intimate during the stalking episode or after the stalking began. In some cases of stalking, the victim is unaware that he or she is being stalked until trying to either end the relationship or stumbling upon some type of tracking device attached to the victim's vehicle or on a piece of technology (e.g., computer or cell phone). It is during this time that police may be called by the victim.

Unfortunately, police often dismiss the stalking element and focus on the signs of physical and/or sexual abuse. These signs are easier to observe and document. If there are no physical signs of abuse or no outcry by the victim, the officer will submit, at most, an information report or call notes stating that a disturbance took place. The stalking may be downgraded to harassment or the victim may be given advice to call

911 should the suspect continue to harass the victim. In fact “studies suggest police and other Criminal Justice System personnel are not always sensitive or helpful in partner stalking cases” (Logan, 2010, p. 2). Logan (2010) asserted that, sometimes, “police officers do not take a report, which can be problematic in terms of victim documentation; and it appears they infrequently advise victims to document their experiences, discuss safety planning, or refer them to victim services for help” (p. 16). According to the National Violence Against Woman (NVAW) survey, it was reported that “81% of the women who were stalked by a current or former husband or cohabitating partner were also physically assaulted by that partner; 31% were raped or sexually assaulted by that partner” (Tjaden & Thoennes, 1998 p. 2).

Logan in 2010 reported, “if partner stalkers are charged, it appears they are often charged with crimes other than stalking, such as protective order violations and assaults” (p.16). Other types of crimes associated with stalking may be criminal trespassing, criminal mischief, and ongoing harassment. In addition, Logan (2010) stated “when partner stalking is charged, stalking charges are sometimes amended to other, often lower, class offenses such as harassing; menacing; intimidation; terroristic threats; vandalism; burglary; or trespassing” (p.16). Additional crimes may also include financial crimes, such as forgery and credit card abuse.

For this reason, criminal justice representatives may not understand the true nature of the stalking or the extent of the harm that stalking causes victims (Logan & Walker, 2010). Due to the lack of understanding or acceptance as to the dynamics of stalking behavior, many professionals fail to realize that a stalking investigation is not an isolated incident and may be an intricate part of a violent relationship (Logan & Walker,



2010). For example, a single report of stalking by a victim is not sufficient for an effective case. A police officer should probe the victim about repeated and various types of ongoing criminal and non-criminal behavior and document all those incidents in a police report.

Therefore, the victim of stalking, when there are gaps in investigation techniques and a lack of awareness of the dynamics of stalking by first responders, is re-victimized and left vulnerable to further incidences. This is complicated and layered, with several problems for the victim. Abrams and Robinson (1998) and Sheridan, Blaauw, and Davies (2003) stated that stalking has a severe negative impact on victims, such as economical consequences, social consequences, and psychological consequences (e.g., depression, anxiety, or symptoms of posttraumatic stress disorder [PTSD]) (as cited in Kraaij, Arensman, Garnesfski, & Kremers, 2007). Victims of stalking may be forced to quit a job, break a lease, change motor vehicles, or suddenly move to a location far away from the stalker in order to stay safe. A victim may alter his or her lifestyle, become more hyper-vigilant, or have a less open way of living. This situation causes the victim to feel helpless and possibly ruminate on ideas of suicide or murder/suicide. In another study in Texas, 128 respondents who reported being stalked, 75.6% reported at least one adverse emotional effect. The most common reaction was anger (58.6%), followed by loss of sleep (29.7%), lack of concentration (26.7%), fear of being alone (25%), and feelings of helplessness (24.2%) (Kercher & Johnson, 2007, p.10). In addition, victims ruminate on thoughts of suicide, cutting, and other self-destructive behaviors such as alcohol and drug abuse.

The economic impact to the victim is significant. For instance, Logan (2010) reported that stalking victims frequently lose time from work, have actually lost a job, or are unable to take advantage of employment opportunities such as a promotions or obtaining a better job. Furthermore, Logan's (2010) research indicated that victims of stalking report "property damage and other financial harm (e.g., ordering items in the victim's name, ruining credit)" (p. 11). Common reports of identity theft, tire slashing, and burglary are common investigations associated with stalking cases. Other examples could be illegally selling or posting false sales not authorized by a victim such as the home, car, and other property on websites such as *Ebay* or *Craigs List* as continued abuse toward the victim. Logan (2010) reported that "Victims who experienced stalking after a protective order was obtained incurred an average of \$610 in property loss or damage during a 6-month follow up period, compared with \$135 for those who experienced ongoing violations but not stalking" (p. 11). In sum, the cost of timely investigations, emergency room costs, and lost wages associated with the victim of a stalking crime cost a state millions of dollars annually.

## **COUNTER POINTS**

There is still a belief that stalking crimes do not fit into contemporary policing concepts, such as community oriented policing or problem oriented policing. Despite the efforts to connect police and communities, stalking remains a private matter and underreported. Logan (2010) reported that "only 17% of stalking incidents were reported to police while many victims reported that they felt no one would believe them and also that the consequences of reporting were too negative" (p.15). In addition, many of the community policing, problem-oriented policing, and Compstat policing

models focus on dealing with crimes that are reported or noticeable, such as graffiti, prostitution, burglaries, and narcotics. Issues such as stalking, domestic violence, and family violence are still considered reactive in nature and dependent upon the victim or a third party to make the initial report to police for assistance. Fortunately, this is not accurate. Kercher and Johnson (2007) reported, “that of the respondents who reported stalking incidents to police, 63.6% stated they were either satisfied or very satisfied with the police response to their situation” (p. 14). This only indicates law enforcement’s initial response and fails to address how the investigation was handled or followed through with the courts. Furthermore, Kercher and Johnson (2007) concluded that, “of those who contacted the police, 38.2% called the police once, 21.8% called twice, 9.1% called three times, and 30.9% called four or more times while most victims (60%) reported that they met with police once or twice” (p.14). These rates indicate that the investigational confidence by the victims dropped each time police were called for assistance. In a similar study, 123 victims of stalking reported 30.9% loss of sleep, 14.6% nightmares, and 23.6% depression (Johnson & Kercher, 2008, p. 869). This is an indication of the possible long-term effects of stalking on the victim.

Secondly, there is a consensus amongst law enforcement professionals and advocates who still believe that stalking cases are a “he said, she said” affair, and they are often impossible to investigate or successfully prosecute in court. Despite the low conviction rates in stalking cases, suspects are being prosecuted. In one study that examined 336 female partner stalking case, 50 suspects (15%) were prosecuted (Logan, 2010, p. 17). Those numbers seem encouraging. However, in the same study only 40% (or 20 cases) of those prosecuted received convictions, and approximately

56% (or 11 cases) of those reported cases received either a jail or prison sentence (Logan, 2010, p. 17). This indicates that the rate of reports of stalking by victims far outweighs the conviction rates of stalkers, but some convictions are occurring over time regardless of the small amounts.

Finally, there is another belief that it is incumbent upon the victim to contact the police in order to get protection for the victim and to properly investigate the allegation(s). The problem with this position is that the stalking and abuse may have been occurring for months or years before a victim comes forward. There may be no abuse or signs of trauma to the victim. Many victims who are stalked by an acquaintance or intimate partner may be conditioned to being tormented to the point of acceptance. These victims may fail to report even though his or her life maybe in danger. Officers need to take a proactive stance in working with the victim from the time of the initial call. They should have a policy and practice of continued cooperation and follow-ups with the victim for the duration of the investigation.

### **RECOMMENDATION**

By identifying deficiencies in stalking investigations and drawing more attention to training, officers have a higher likelihood of effectively investigating and arresting offenders. In addition, this adjustment in training will lead to more conviction rates of stalkers at trial, allowing the victims some closure. This will help alleviate the torment and agony he or she has undergone during the stalking. The victim can then be assisted in the recovery process by local advocates under a multidisciplinary team specifically designed to work with stalking cases.

In order to accomplish this, there are stages of development and policy that must be created and implemented for all the stakeholders involved in investigating stalking cases. Initially, first responders must be properly trained in the recognition and dynamics of stalking investigations. For instance, first responders will be introduced to the working definition of stalking at both the state and federal levels. The dynamics of the power and control aspects of stalking, as well as the proper format of questions for the victim and suspect, should be addressed and trained on for officers. Finally, stalking investigations should parallel those techniques associated with family violence investigations. This means, for example, that officers should video record the victim and/or witnesses during each incident in which they are involved. The suspect should be video recorded as well, provided he or she voluntarily does so pursuant to applicable law (e.g., *Miranda*, Texas CCP Art. 38.22). The video serves as a reference for a better and more detailed narrative for the officer and will assist a jury in seeing the emotional and psychological state of the victim at the time of the incident.

There must be a shift in the victim's position from reactive to proactive engagement with the investigation. This means that the police and the community will work together as stakeholders to stay observant of the suspect and to keep the victim safe. Stalking can no longer be seen as a private matter. Neighbors, coworkers, and family members should be made aware that this victim is being stalked, and there is potentially someone in their community area terrorizing and putting the victim in fear of his or her life. The more people involved, the more eyes a victim has watching out for her or his safety at any given time. Each time a third party, such as a neighbor or coworker, observes the suspect in the immediate area, a call to 911 should be made

followed by either an offense report or information report attached or linked to the original stalking case number. The goal is to start a paper trail showing a continuing pattern of behavior that instills fear of serious bodily injury, death, or loss of property to the victim or to the victim's family. The goal is to accurately record or document the victim's fear and perception of that fear each time the police are called to a scene.

If officers are able to accomplish this, the prosecution will be better equipped to take these "workable cases" to trial. The prosecution will see an increase in plea bargains for probation with mandatory stalking awareness classes. Those that do go to trial will have a better chance with a jury conviction with a full report (or reports) of the stalker's behavior and on-the-scene video interviews with the victim and witnesses. In addition, there will be an increase in the filings of emergency orders of protection or final protective orders for the victim to ensure safety.

There must be a coordination of community advocates. For example, members who assist in helping victims of stalking in the recovery process could be from the local women's shelter, the district attorney's office, Texas Crime Victim's Compensation advocate (CVC), the police, or those who provide access to psychological treatment. This should reduce long lasting psychological and emotional trauma, such as depression and suicide ideations. These changes should also save the system potentially millions of dollars annually from costs associated with investigating stalking and helping stalking victims.

Finally, there would have to be public awareness for the victim and educating the community on the dynamics of stalking. The community, schools, and the police have to work with each victim to ensure his or her safety while the case is ongoing. They

must also make victims aware that they are not alone and that help is available.

Building victim survivor groups and programs is the key to helping victims realize that they have a voice through this difficult time.

This plan of action or policy recommendation refutes the notion that stalking stands alone in contemporary policing models and should not be regarded as a private matter. Just as in a family violence or sexual assault investigations, stalking victims are given crime victim's notifications and access to file protective orders. Stalking victims should be encouraged to take a proactive stance on stalking and make family, coworkers, and neighbors aware of the crime, identity, behavior of the stalker. With better training, understanding, and community involvement in combating stalking, this increases victim safety, potential witnesses, and community awareness of this underreported or unreported criminal offense.

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