

SPARC

STALKING
PREVENTION,
AWARENESS,
AND RESOURCE
CENTER

- **Readily Identifying and Effectively Responding to Stalking in Family Court:
A Resource For Judicial Officers**

NIWAP

OVW Funding

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Why Focus on Stalking?

- * Victims report experiencing stalking at a significantly higher rate than the justice system identifies
- * Stalking frequently co-occurs with other crimes and is a risk factor for homicide*
- * Judges and court staff may be stalked by offenders

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.

www.StalkingAwareness.org

*Practitioner guides

*Training modules

*Victim resources

*Webinars



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NEW GUIDANCE FOR JUDICIAL OFFICERS



A. FRAMEWORK FOR UNDERSTANDING STALKING

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JUDICIAL OFFICER GUIDE: RESPONDING TO STALKING

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Stalking Prevention, Awareness, and Resource Center (SPARC)

1000 Vermont Avenue NW, Suite 1010 | Washington, DC 20005 | (202) 558-0040 | info@stalkingawareness.org
www.StalkingAwareness.org

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National Immigrant Women's Advocacy Project (NIWAP)
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NEW GUIDANCE FOR JUDICIAL OFFICERS



SLII STALKING TACTICS

JUDICIAL OFFICER BENCH CARD: STALKING

SPARC SPRINGFIELD PUBLIC DEFENDER NIWAP NATIONAL INSTITUTE OF WOMEN AND CHILD ABUSE PREVENTION WASHINGTON COLLEGE - LAW WASHINGTON COLLEGE - LAW NCJFCJ NATIONAL CENTER OF JUDICIAL FOUNDATION FOR CHILDREN AND JUVENILES

This bench card is designed for use in conjunction with the more comprehensive [Judicial Officer Guide for Responding to Stalking](#) and as a reference when considering the role of stalking in Federal courts; Tribal courts; immigration courts; state family, juvenile, civil, and criminal court cases; and administrative law adjudications including immigration and Equal Employment Opportunity Commission adjudications. Judicial officers are strongly encouraged to read [the full Guide](#) prior to using this bench card during proceedings.

This bench card serves as a reference for judicial officers on stalking behaviors and how these behaviors relate to other crimes, to be better able to identify stalking in any type of case. Judicial officers are encouraged to make specific findings of fact regarding stalking and issue detailed orders designed to stop stalking behaviors, hold offenders accountable, and prevent dangerous consequences.

CONSIDERING/IDENTIFYING STALKING



Stalking can appear in any type of case and it is particularly important to look for indicators when the parties know one another and/or there is evidence of ongoing harmful contact. Stalking can occur in the context of other crimes and other crimes can occur in the context of stalking.



Stalking should be considered in protection order and domestic violence hearings because intimate partner stalkers are more likely (than stalkers with other relationships to their victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend.



Technology-facilitated stalking (cyber-stalking) needs particular consideration and concern in stalking cases. Perpetrators of stalking use and misuse technology to facilitate their stalking. Technology includes social media, mobile phones, and other electronic devices.

STALKING STATUTES

INTERACTIVE MAP FOR ALL U.S. JURISDICTIONS



U.S. STALKING LAWS & STATUTES



FEDERAL	MILITARY	NATIVE NATIONS
		
WASHINGTON DC	AMERICAN SAMOA	GUAM
		
NORTHERN MARIANA ISLANDS	PUERTO RICO	US VIRGIN ISLANDS
		

Change Jurisdiction:

The information compiled here does not constitute legal advice or advocacy, and is being furnished strictly for informational purposes.

[More Statute & Case Law Info](#) [Download All Jurisdictions](#)

COLO. REV. STAT. ANN. § 18-3-602 (WEST 2021). STALKING—PENALTY—DEFINITIONS—VONNIE’S LAW

(1) A person commits stalking if directly, or indirectly through another person, the person knowingly:

(a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under

STALKING DEFINITION: BEHAVIORAL

Stalking is a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear for the person's safety or the safety of others; or suffer substantial emotional distress.





CONTEXT IS CRITICAL
in stalking cases.

Context



- * Something may be frightening to the victim but not to responders
- * Stalking behaviors often have specific meanings
- * Stalking criminalizes otherwise non-criminal behavior

Stalking Prevalence and Behavior

Stalking Prevalence

NEARLY
1 in 3 women



&

NEARLY
1 in 6 men

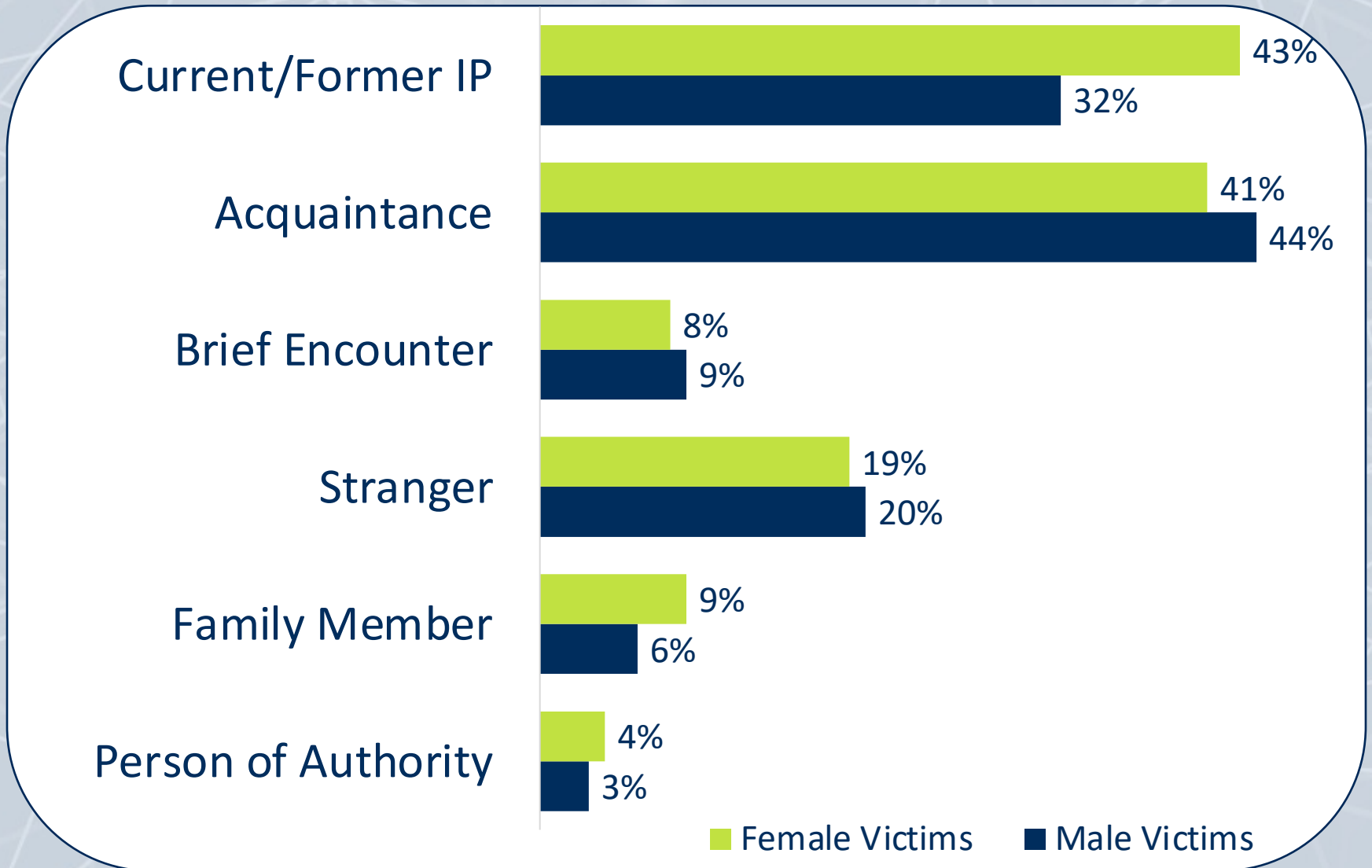


experience **stalking** in their lifetimes.

“

Given those prevalence rates, why do you think we fail to see the corresponding number of stalking victims in our courts?

Victim and Offender Relationships



Understanding Stalking: Stalking Behaviors

SLII Framework





SURVEILLANCE

- **Follow**
- **Watch**
- **Wait**
- **Show up**
- **Tracking software**
- **Obtain information about victim**
- **Proxy stalking**

LIFE INVASION



- **Unwanted contact at home, work, etc.**
- **Showing up**
- **Phone calls**
- **Property invasion**
- **Public humiliation**
- **Harass friends/family**



INTERFERENCE

- **Financial and work sabotage**
- **Ruining reputation**
- **Custody interference**
- **Keep from leaving**
- **Road rage**
- **Attack family/friends/pets**
- **Physical/sexual attack**

INTIMIDATION



- **Threats**
- **Property damage**
- **Symbolic violence**
- **Forced confrontations**
- **Threaten or actually harm self**
- **Threats to victim about harming others**

CRIMES INCLUDING

**IDENTITY THEFT,
COMPUTER CRIMES**



**VANDALISM,
PROPERTY CRIMES**



**VOYEURISM, PRIVACY
VIOLATION, IMAGE
CREATION &
DISTRIBUTION**



**EAVESDROPPING,
TRESPASSING,
NONCONSENSUAL
RECORDING**



**FALSE REPORTS,
WITNESS
INTIMIDATION**



**CIVIL AND FAMILY
COURT CASES**

Stalking & Trafficking

Surveillance

- * Monitoring the victim to identify when and how to recruit
- * Gathering information as leverage to sexually exploit/blackmail victim or persuade
- * Monitoring victim to assess vulnerability, accessibility and lack of credibility
- * Asking other individuals working for trafficker to monitor behavior

Life Invasion

- * Humiliating person by threatening to expose/exposing what they are doing
- * Requiring “Check-Ins”
- * Gifts / small indulgences

Stalking & Trafficking

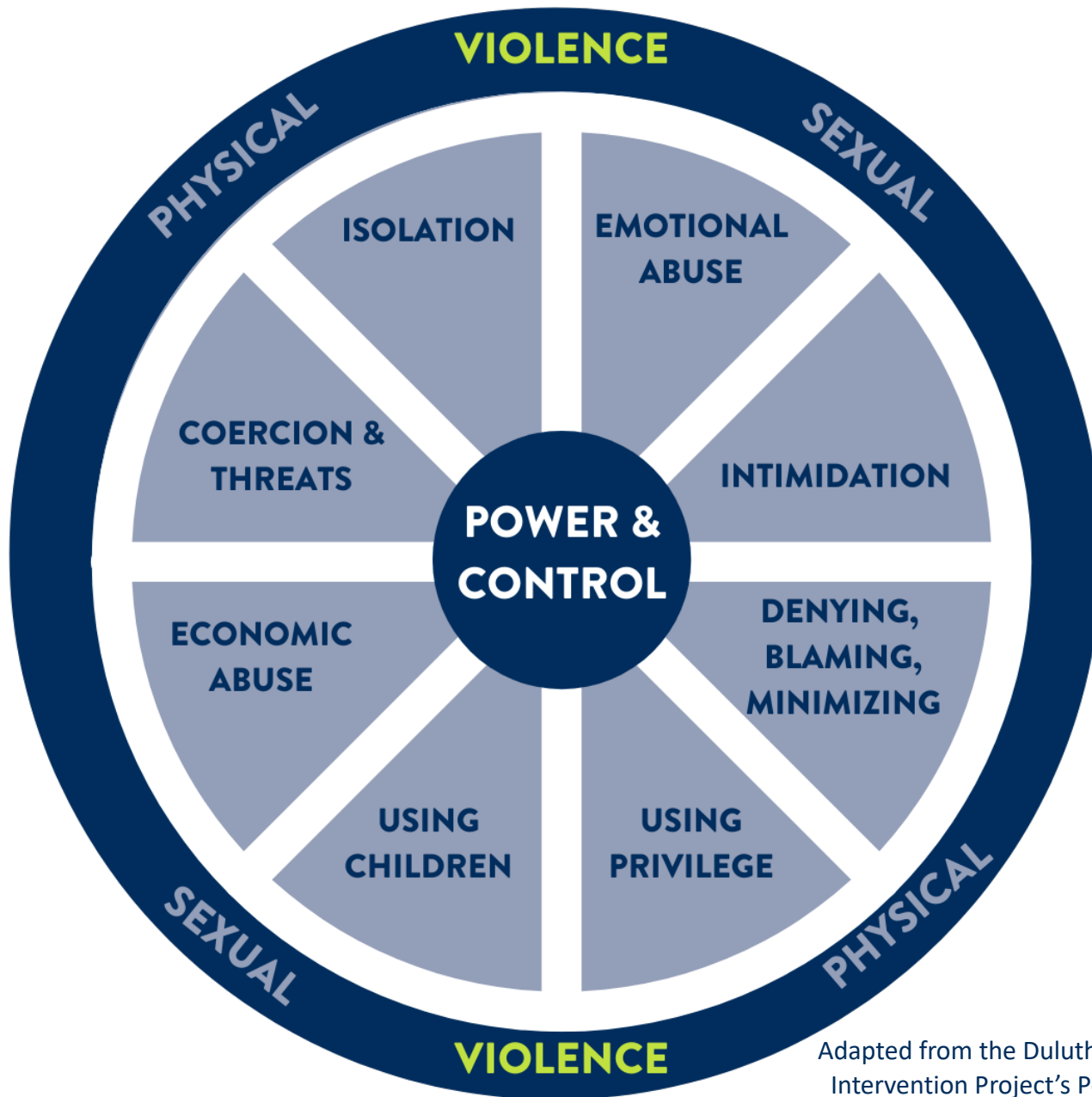
Interference

- * Committing acts of sexual violence against victim
- * Sharing sexual photos or videos with others
- * Committing physical assaults

Intimidation

- * Violence against others in operation
- * Threatening the victim, others in operation, pets with sexual or physical violence
- * Using symbols of violence to control

Stalking and Intimate Partner Violence



Adapted from the Duluth Model Domestic Abuse Intervention Project's Power and Control Wheel

Intimate partner stalkers are more likely to:

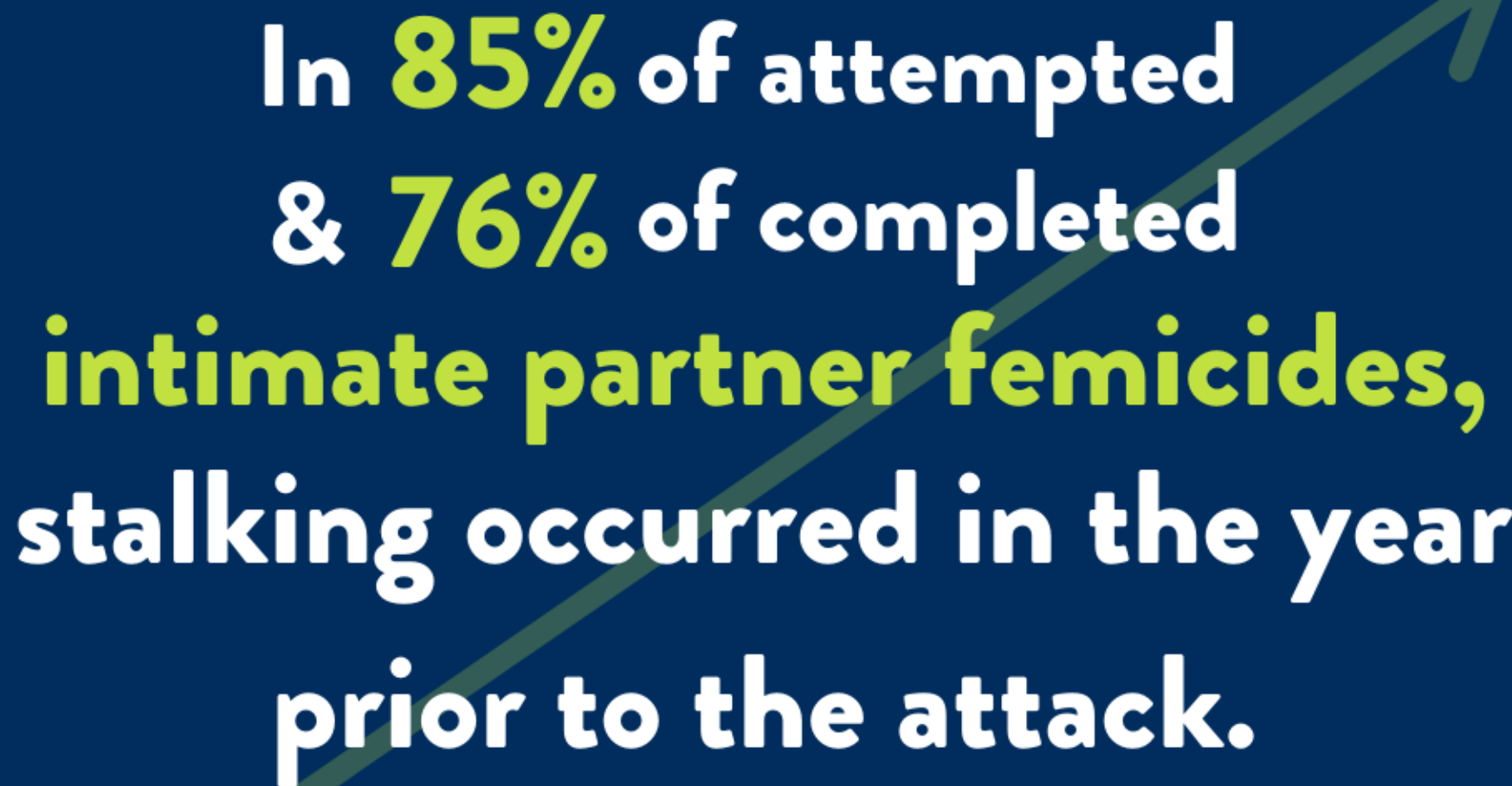
physically approach the victim

be interfering, insulting, and threatening

use weapons

escalate behaviors quickly

re-offend



In **85%** of attempted
& **76%** of completed
intimate partner femicides,
stalking occurred in the year
prior to the attack.

Stalking is a Lethality Risk

Top 10 risk factors for intimate partner homicide

Risk for male perpetrated & female IPH victimization

1) Direct access to guns	11-fold increase in risk of IPH
2) Threatened victim with a weapon	7-fold increase in risk
3) Non-fatal strangulation	7-fold increase in risk
4) Perpetrated rape/forced sex	5-fold increase in risk
5) Controlling behaviors	6-fold increase in risk
6) Threatened to harm the victim	4-fold increase in risk
7) Abused victim while pregnant	4-fold increase in risk
8) Perpetrated stalking	3-fold increase in risk of IPH
9) Jealousy	2-fold increase in risk
10) Substance abuse	2-fold increase in risk

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.

Screening for Stalking

Has the Offender...

been tracking, following, or monitoring Victim in any way?



repeatedly invaded Victim's life/privacy by initiating unwanted contact with Victim?

significantly and directly interfered with Victim's life?

>physically/sexually assaulted Victim during course of conduct?

>forcibly kept Victim from leaving, held against will, caused serious accident, assaulted others, or seriously attacked Victim?



more than one time, intimidated or scared Victim through threats, property damage, threatening or actual harming of pets, or other means?

Impact on Victims

What are Victims Afraid of?

46% not knowing what will happen next

30% bodily harm

29% behavior will never stop

13% harm or kidnap a child

10% loss of freedom

9% death

4% losing one's mind



ACCOMODATIONS/CHANGES THE VICTIM MAY HAVE MADE TO THEIR LIFE MIGHT INCLUDE:

- Time spent obtaining a protection order
- Screening phone calls
- Relocating
- Efforts to keep their address/location a secret
- Changing own phone numbers, email addresses, and/or social media accounts



ACCOMODATIONS/CHANGES THE VICTIM MAY HAVE MADE TO THEIR LIFE MIGHT INCLUDE (cont.):



- Blocking phone numbers, email addresses, and/or social media accounts
- Changes to device settings
- Time accessing support services
- Confidentially filing the victim's own immigration case to sever reliance on the stalker's sponsorship
- Finances spent on safety devices or accommodations

ACCOMODATIONS/CHANGES THE VICTIM MAY HAVE MADE TO THEIR LIFE MIGHT INCLUDE (cont.):



- Increased security and/or privacy measures
- Asking friends, family, or professionals for help
- Changes to schedule, routine, and/or route/method of transport
- Avoiding locations or activities

ACCOMODATIONS/CHANGES THE VICTIM MAY HAVE MADE TO THEIR LIFE MIGHT INCLUDE (cont.):

- Financial impacts like employment consequences
- Costs for repair or replacement of damaged property, or immigration or identity documents
- Informing work, daycare, school, apartment building, religious space, and/or others of the situation and/or asking for accommodations
- Taking steps to remedy identity theft



How do Victims Cope?

Move
INWARD



Move
AWAY



Move
TOWARDS



Move
AGAINST



Move
OUTWARD



Disengagement

Recommend no contact with the stalker

➤ Explain intermittent reinforcement

***BUT* realize victims engage in behaviors to keep themselves safe.**

➤ Maintain contact, negotiation, minimizing threat

➤ Contact may be a safety strategy



SHARP: Stalking Harassment and Risk Profile

www.coercivecontrol.org
www.stalkingrisk.com

“

Victim perceptions of risk are a strong predictor of reassault, equal to or even better than risk management tools

TK Logan & Robert Walker, *Stalking: A Multidimensional Framework for Assessment and Safety Planning*, 18(2) *Trauma, Violence & Abuse* 200-22 (2017)



Stalking and Harassment Assessment and Risk Profile (SHARP)

CoerciveControl.org



Narrative Report &
Risk Profile



Safety Planning
Suggestions

14 Risk Factors in Stalking Cases



BIG PICTURE

- Course of Conduct
- Escalation, Triggers
- Nature and context of threats
- Threat follow-through, capability



STALKER HISTORY

- History of abuse to victim
- History of abuse to others
- Guns, weapons & training
- Criminal history, mental health, substance abuse

STALKER MINDSET



- Resistance & Persistence
- Stalker Motive
- Proxy Stalking

VICTIM VULNERABILITY



- Fear, life impact
- Use of Technology
- Victim Vulnerability

Contextualize

Contextualize the Threat

Who is the stalker and what are they capable of?



**Substance Abuse &
Mental Health Issues**



**Technology
Expertise**



**Education/
Background**



**Violence &
Criminal History**



**Follow-through on
Previous Threats**

Document the Threat Features

- **Nature and frequency of threats**
- **How detailed/graphic are the threats?**



Is there violence ideation?

- **How are the threats communicated?**



Verbally? Voicemails? E-mails?
Gifts? Written notes?



Are the threats public?
Communicated by a third party?
Communicated on social media?



Takeaways

* Placeholder to show checklist for Judges

NIWAP Technical Assistance, Materials, and Training

* Judicial training manuals, toolkits, bench card and materials at <https://niwaplibrary.wcl.american.edu/sji-njn-materials>

* **NIWAP Technical Assistance**

* Call (202) 274-4457

* E-mail info@niwap.org

* Web Library:

www.niwaplibrary.wcl.american.edu

www.StalkingAwareness.org

*Practitioner guides

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