

STALKING IS A RISK FACTOR FOR INTIMATE PARTNER HOMICIDE			
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) Threated 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) Threated 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 & Stith, 2018 – meta analysis of 17 IPH studies			

WHAT DOES IT TAKE TO HOLD STALKERS ACCOUNTABLE?

A Sign of the Crimes: **Examining Officers'** Identification of. and Arrest for, Stalking in Domestic Violence Complaints

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Police Quarterly A FOCAL CONCERNS PERSPECTIVE ON PROSECUTORIAL DECISION MAKING IN CASES OF INTIMATE PARTNER STALKING

Patrick Q. Brady 0, Bradford W. Reyns2, and Rebecca Dreke

VICTIM COOPERATION

Abstract
Despite stalking as a risk factor for intimate partner homicide, few studies have explored officer decision making in domestic violence (DV) complaints that involve stalking. This study employs the focal concerns perspective to identify the legal and extra-legal factors associated with officers' identification of, and arrest for, stalking in DV complaints. Using a statewide sample of 230 DV complaints from Rhode Island, findings indicated that nearly one in four suspects were arrested for stalking in DV complaints (25.2%). Stalking acknowledgment was associated with the location of the offense, prior police involvement, and the total number of offenses committed. Officers were more likely to arrest suspects for stalking in DV complaints if the victim was willing to cooperate. Support for the focal concerns perspective varied according to the type of decision. Avenues for future research, as well as theoretical and practical implications, are discussed.

PATRICK Q. BRADY University of West Georgia BRADFORD W. REYNS Weber State University

Despite millions of stalking victims contacting the police each year, suspects are rarely arrested or prosecuted. While prosecutors are ultimately the gatekeepers to holding defendants accountable, few studies have examined the factors influencing charging decisions in stalking cases. Using the focal concerns perspective, this study analyzed 5 years of domestic violence and stalking case outcomes in Rhode Island. Findings indicated that prosecutors were more likely to prosecute stalking cases then defendants evoked fear in the victim and pursued victims in public. The decision to prosecute stalking versus other domestic violence-related charges was motivated by the location of the offense and the defendant's history of physical abuse toward the victim. Neither extralegal factors nor characteristics of blameworthiness or suspect culpability influenced prosecutorial decision making. Findings underscore the legal complexities of stalking and suggest the need for additional insight on prosecutorial perspectives and strategies to articulate the fear standard in stalking cases.

CORRENT DILEMMA

Stalking is a risk factor for **intimate** partner homicide

Stalking **behaviors are often overlooked** in domestic violence complaints

Accountability is often contingent on cooperation from terrified victims



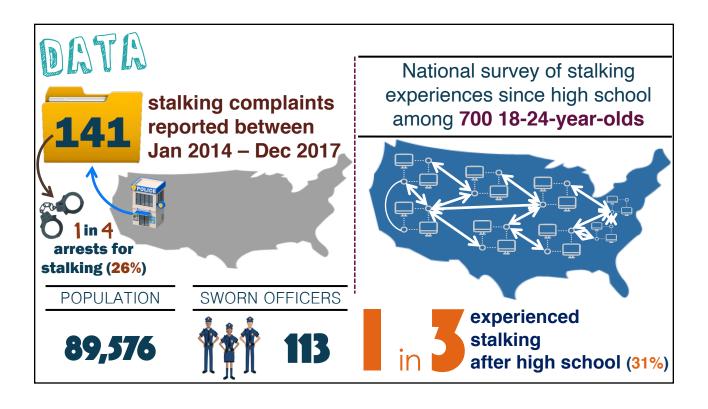


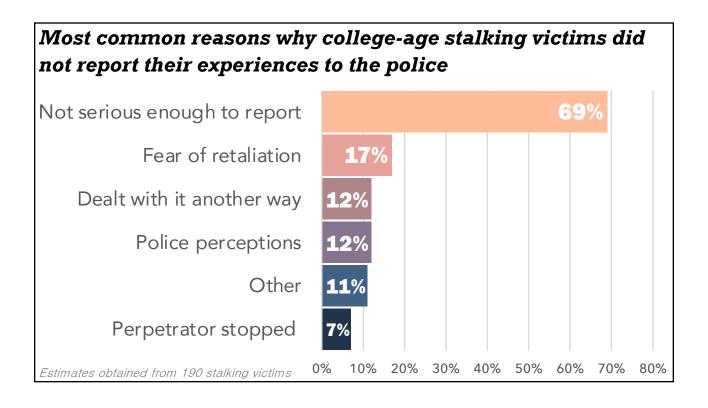
WHY STALKING VICTIMS DO & DO NOT INVOLVE THE POLICE



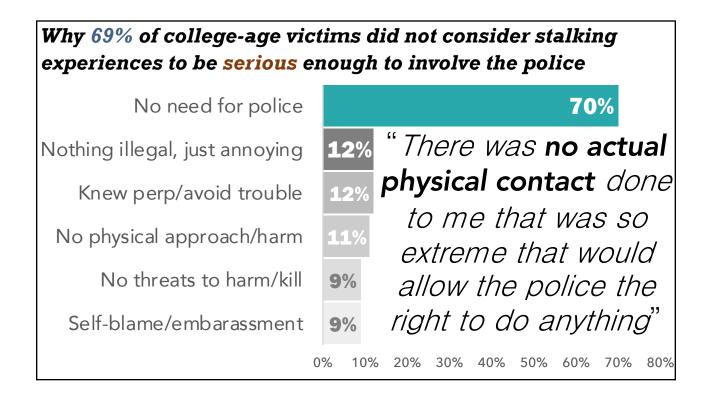


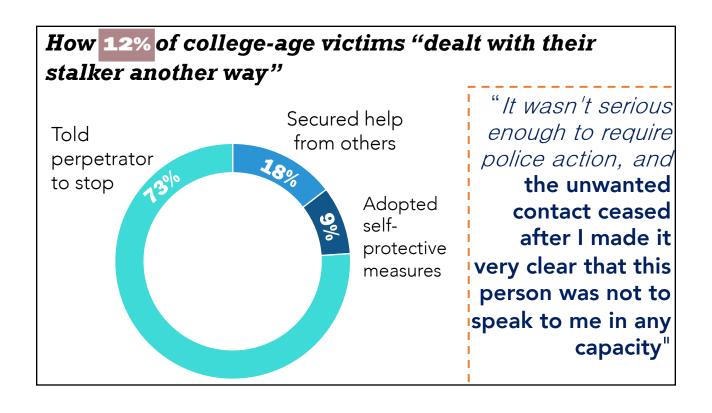
Why do most stalking victims not involve the police?

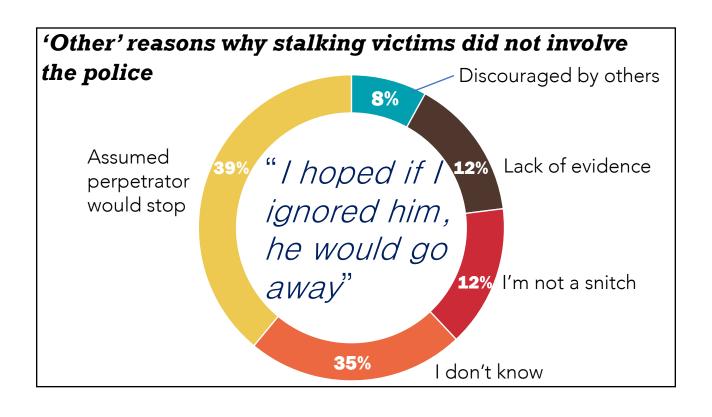


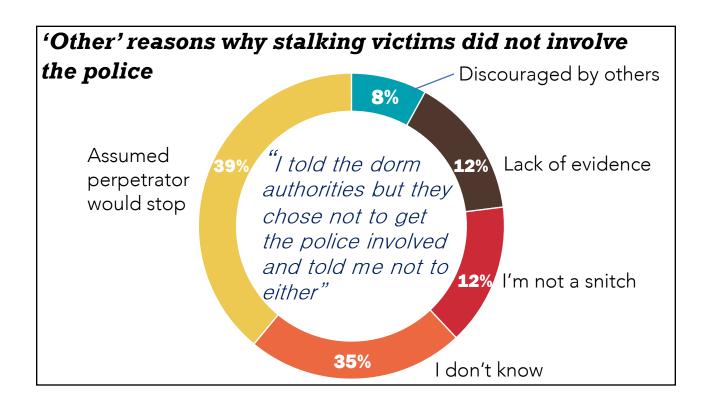


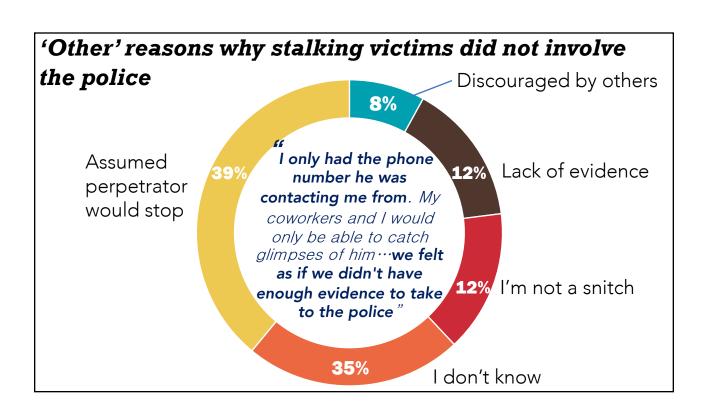
Why 69% of college-age victims did not consider stalking experiences to be serious enough to involve the police No need for police 70% "They were just texts, 12% Nothing illegal, just annoying easily blockable" 12% Knew perp/avoid trouble "They weren't threatening enough towards me" No physical approach/harm **11**% "I didn't want anyone to know No threats to harm/kill 9% what happened and I didn't want our mutual friends to Self-blame/embarassment 9% dislike me" 20% 30% 40% 50% 60% 0% 10%









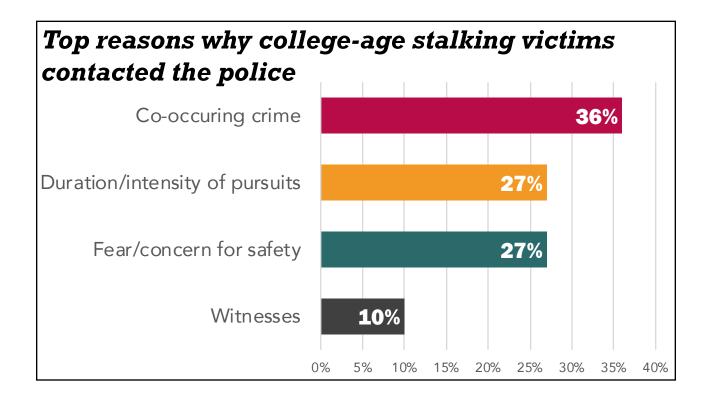


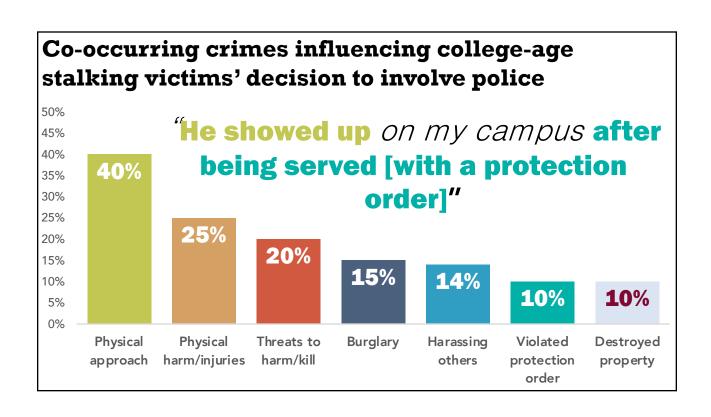
Stalking victims have legitimate reasons for not involving the police. **Most do what they can before they have to**

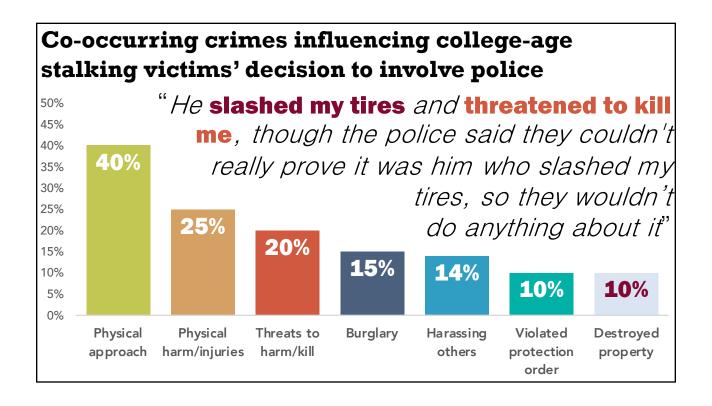
No threats, following, physical harm/approach &/or fear - no problem

First responders are **not** the first person the victim has told about the suspect #PotentialWitnesses #Corroboration!

What *does* influence stalking victims to contact the police?







Why college-age victims contacted the police due to the duration, intensity, and/or escalation of stalking

"The letters became unbearable"

"He kept messaging me and going to places I was at when I asked him to stop"

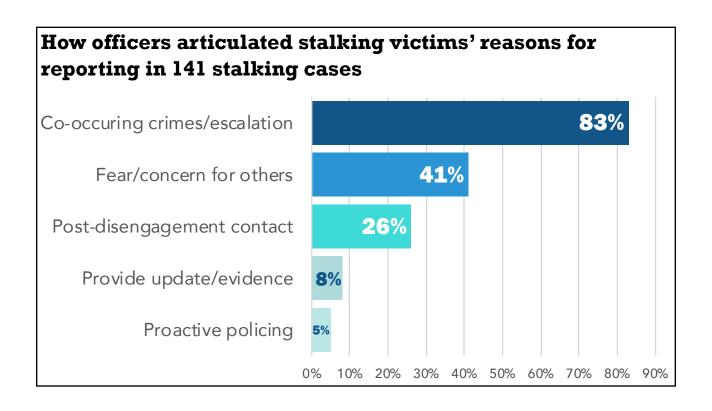
"He kept showing up at my work when he wasn't supposed to be in the same building as me"

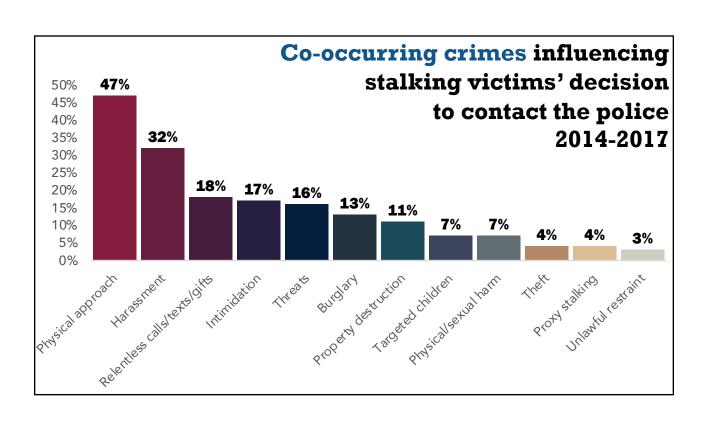
Stalking victims involve the police when the unwanted contact has become unbearable, frightening, & nothing else has worked to stop the perpetrator

Legal elements of stalking have likely been met before initial encounter with police

Stalking is **not** always limited to complaints of harassment and/or following







VICTIM

ADVISED THAT TWO DAYS AGO, SHE WAS DRIVING HER VEHICLE

AND HAD A FUNNY FEELING. SHE STOPPED THE CAR AND ATTEMPTED TO

OPEN THE TRUNK. SHE SAID SHE WAS UNABLE TO OPEN THE TRUNK, AND

SHE COULD NOT DETERMINE WHY IT WOULD NOT OPEN. SHE ADVISED THE

PREVIOUS EVENING SUSP ENTERED HER RESIDENCE UNINVITED WEARING

THE SAME TUXEDO FROM THEIR WEDDING HE WEARS WHEN FOLLOWING HER

AROUND TOWN SUSPECT SNUCK INTO HER BEDROOM CRYING AND APOLOGIZING

TO HER. HE TOLD HER THAT THE REASON SHE WAS UNABLE TO GET INTO

THE TRUNK WAS BECAUSE HE WAS IN IT AND HE WAS HOLDING THE TRUNK

DOOR SHUT TO PREVENT HER FROM ACCESSING IT. VICTIM SAID EARLIER

TODAY SHE LOOKED INSIDE THE TRUNK AND FOUND A PILLOW AND A

STRING TIED TO THE TRUNK DOOR. THE STRING APPEARED TO ALLOW

SUSP TO SECURE IT OR OPEN IT WHEN NEEDED.

texts me telling me exactly where I am at!" She has blocked his profile but creates other profiles in an effort to contact her.

again it had returned to the factory reset settings. believes that currently has some sort of spyware on her phone and she has had to change phones and providers three separate times, and similar behavior persists even when she changes her phone or provider.

Stated that was the only person who knew the login and password to her lookout account, and she found out that on this date somebody had paid a \$2.99 fee to upgrade the lookout account to access additional features, which would allow someone to download photos, videos, all of the contacts on the phone, also to track the phone and to be able to reset the phone and wipe its memory. Stated that she was concerned about the phone being wiped because

INVOLVING
THE POLICE ≠
DESIRE TO
HAVE
PERPETRATOR
ARRESTED/
PROSECUTED

Additional support to get perpetrator to stop

Concerned about suspicious behavior

Request to file report "just in case"

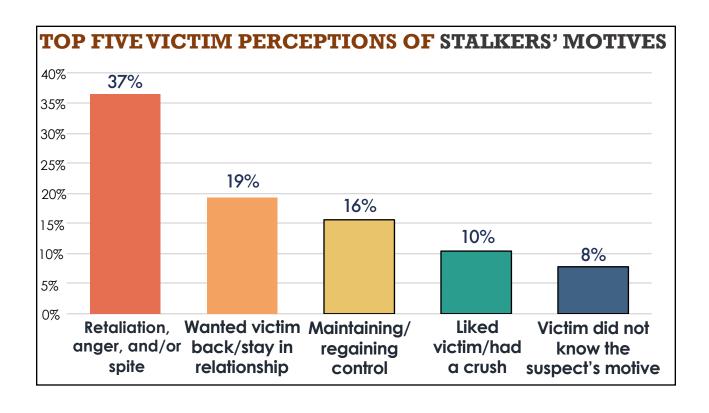


KEY CONDISERATION

Not all stalking victims want the perpetrator arrested nor fully understand what it will entail to cooperate with prosecution

Inquire about victim expectations and preferences for moving forward (e.g., warnings, investigation, arrest?)

Not always victims' "decision" to cooperate



ASE CHARACTERIS HAT INCREASING T O			
COOPERATE WITH INVESTIGATION		PRESS CHARGES AGAINST SUSPECT	
CASE CHARACTERISTIC	INCREASE IN LIKELIHOOD OF COOPERATION	CASE CHARACTERISTIC	INCREASE IN LIKELIHOOD OF VICTIMS' DECISION TO
Active court order	12-fold increase		PRESS CHARGES
Suspect is known	11-fold increase	Suspect threatened victim(s)	9 -fold increase
Fear/concern for safety	5 -fold increase		
Officer contacted/	0 falal:	Victim was female Tech-evidence	10-fold increase
interviewed suspect(s)	3 -fold increase		9 -fold increase
Suspect has been	2 -fold increase	available Fear/concerned for safety	5-fold increase
trespassed	2 -1010 INCIGUSE		
Victim changed routine	2 -fold increase		

FINAL THOUGHTS

Stalking cases are difficult & require a course of conduct investigation

Stalking overlaps with domestic and sexual violence – 80% of victims were **fearful** & fully **willing to cooperate**

Most **stalking victims do what they can before involving the police**. Not all victims want perpetrators to be arrested nor prosecuted.

Victims **cooperate** when **fearful**, stalking impacts **personal/professional routines**, & officers demonstrated **empathy** and effort

LOOK WHO'S

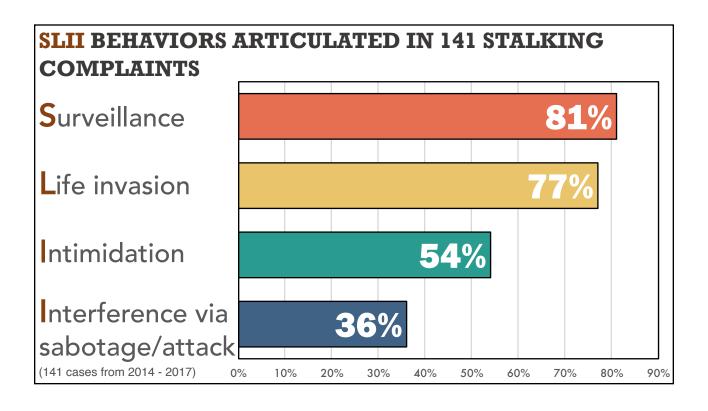
WHY STALKING VICTIMS
INVOLVE THE POLICE &
HOW FIRST RESPONDERS
CAN ENHANCE
COOPERATION

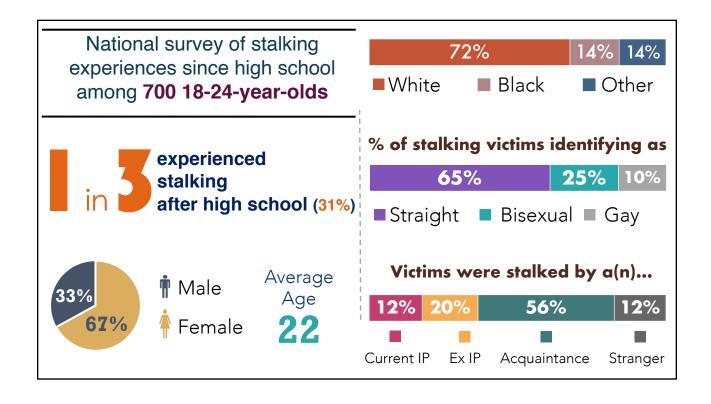
STALKING

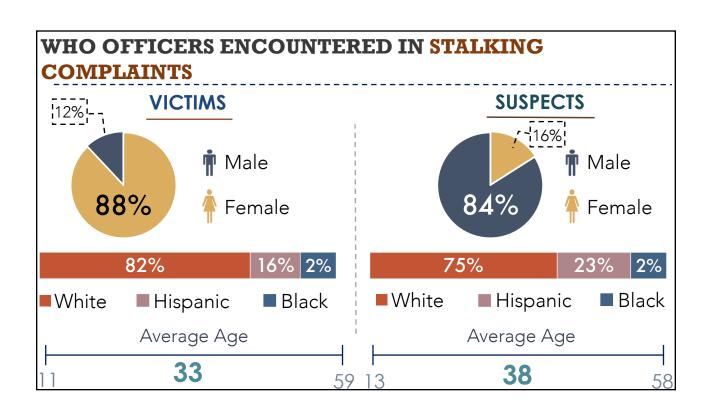
Patrick Q. Brady, Ph.D.

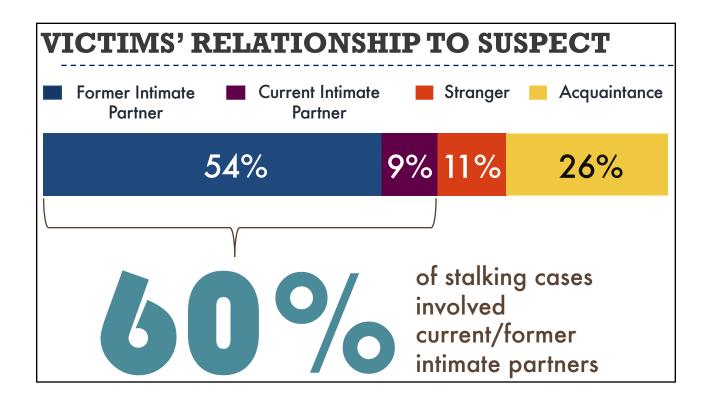
Department of Criminology University of West Georgia

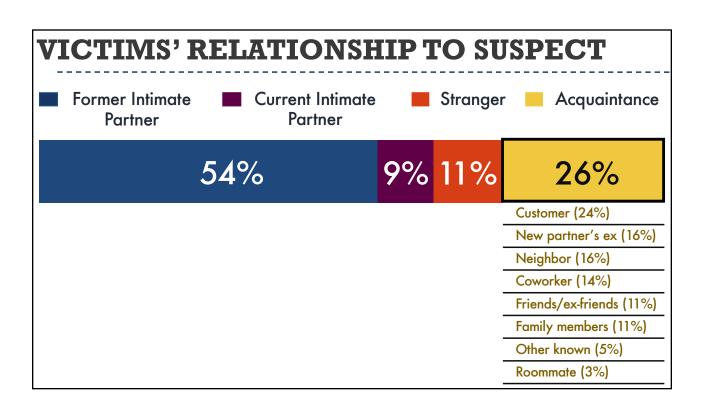








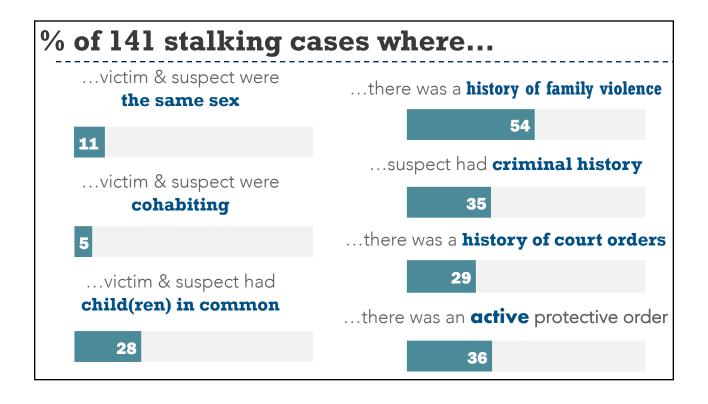


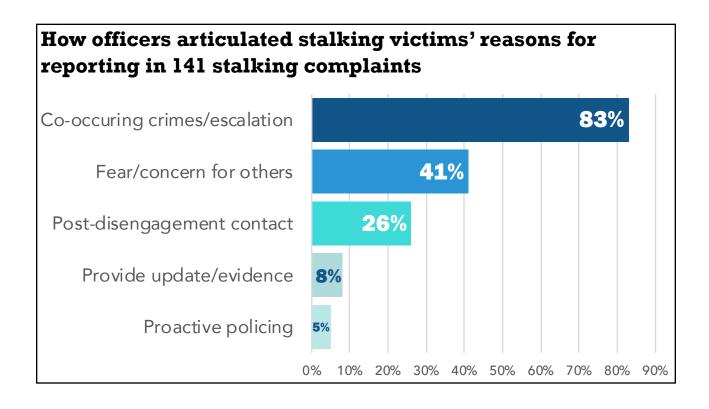


Officers were most likely to encounter stalking complaints involving current/former intimate partners

Stalking is an extension of domestic violence

Domestic violence risk assessments should be completed for **ALL** cases involving intimate partner stalkers





What does influence stalking victims to cooperate with the police?

ARTICULATING FEAR

Open-ended questions can include:

"How has this experience made you feel?"

"Can you tell me what this experience has been like for you?"

"What have you done to protect yourself?"

"What has changed in your life as a result of their behavior?"

"What did you think was going to happen if you didn't make these changes?"

Changes in victims' routine/appearance could indicate fear

FINAL THOUGHTS

Most officers handled stalking complaints to the best of their ability

Victims **cooperate** when **fearful**, stalking impacts **personal/professional routines**, & officers demonstrated **empathy** and effort

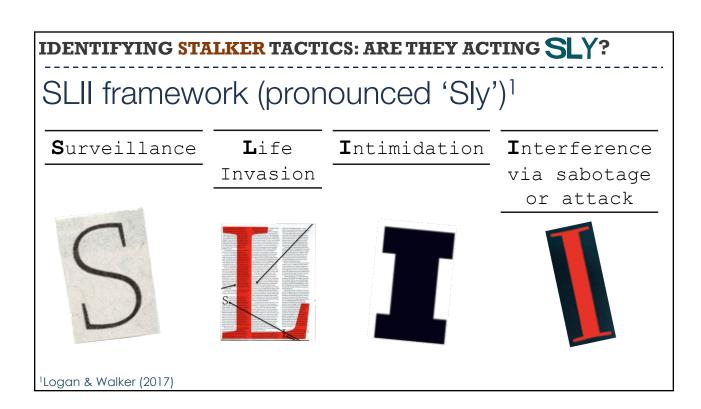
Stalking **arrest** outcomes improve when officers:

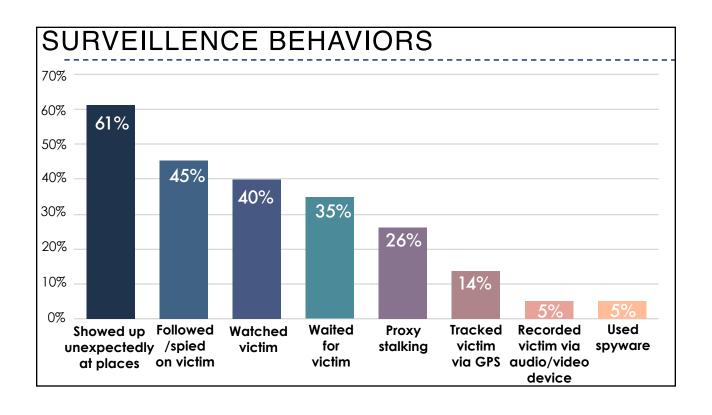
- document legal criteria for stalking (pattern, fear, control)
- involve advocates in follow-up interviews
- Interview all witnesses & suspects, when possible

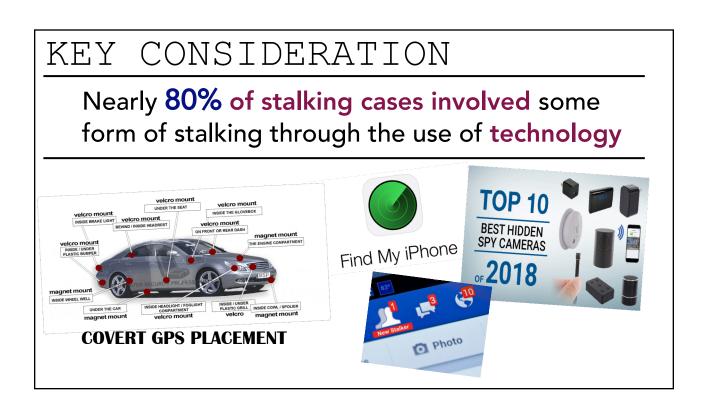
I ASKED VICTIM WHAT WAS GOING ON TONIGHT. VICTIM TOLD ME THAT SUSPECT CALLS HER EVERY NIGHT AND MAKES HER STAY ON THE PHONE WITH HIM UNTIL HE FALLS ASLEEP. VICTIM TOLD ME THAT SUSPECT STARTED CALLING HER AROUND 0047 HOURS AND HAS SINCE CALLED HER 89 TIMES. OFFICER ANDERSON TOLD ME HE NOTED 98 PHONE CALLS FROM SUSPECT 'S PHONE TO VICTIM'S PHONE. VICTIM STATED THAT SUSPECT TOLD HER HE WAS GOING TO KEEP HER UP ALL NIGHT LONG IF HE NEEDED TO, SINCE SHE WOULD NOT ANSWER THE PHONE.

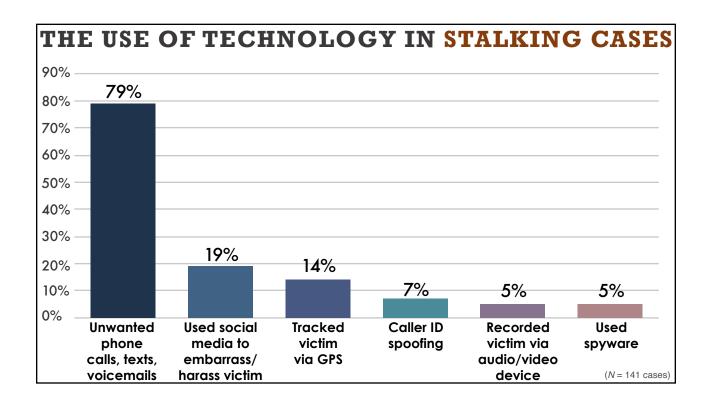
to. She advised that on one occasion, when he had her phone he accessed her email and Facebook accounts. When the phone was returned to her she was no longer able to access either account. She believes he turned on some type of auto-tracking feature on her phone. She said "he always knows where I am at. on the above date, I responded to a compraint about a protection order violation. explained that has texted and called him from different phone numbers and he believes she has an application that allows her to do that. He handed me his cell phone and I read through some of the text messages email and racebook accounts. When the phone was returned to her she was no longer able to access either account. She believes he turned on some type of auto-tracking feature on her phone. She said "he always knows where I am at. I

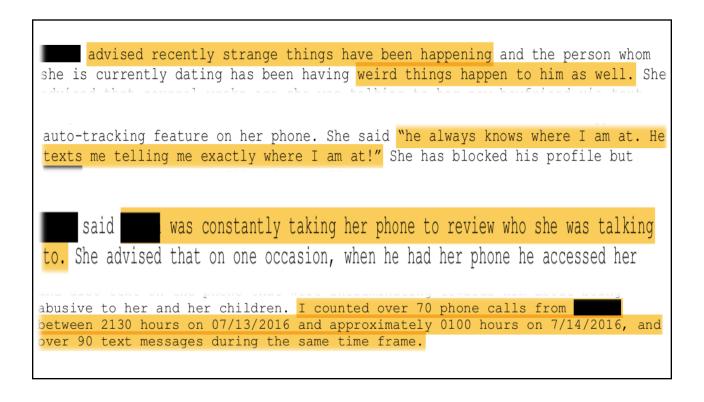
What types of stalking behaviors are officers likely to encounter?



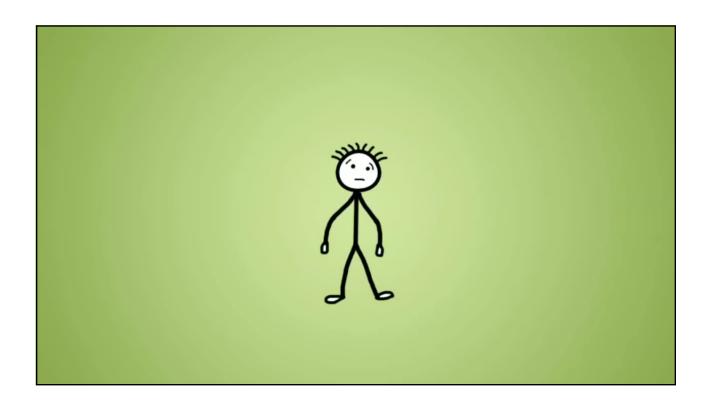


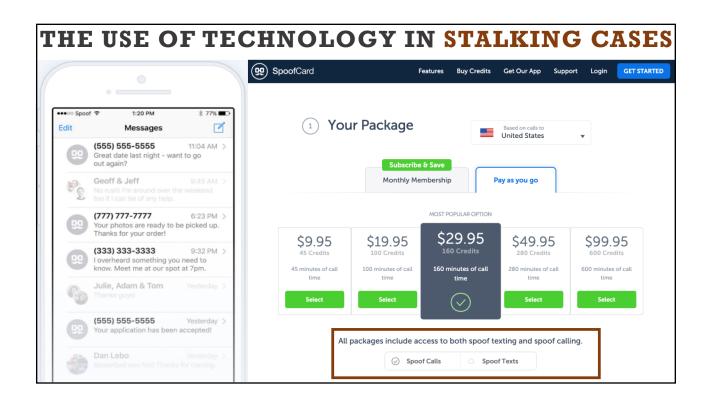














Nearly 80% of stalking cases involved some form of stalking through the use of technology

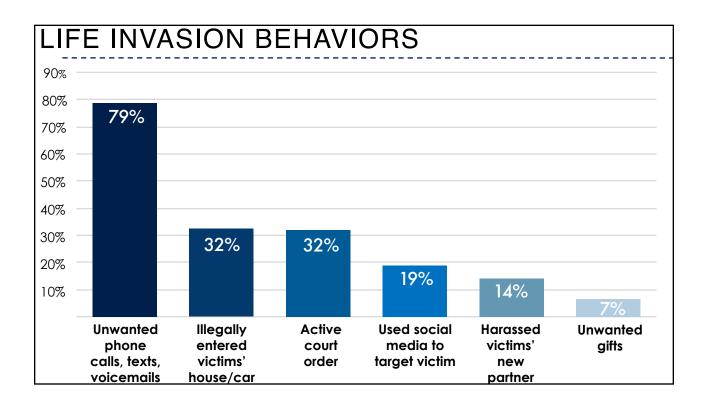
Allocate resources to process digital evidence efficiently

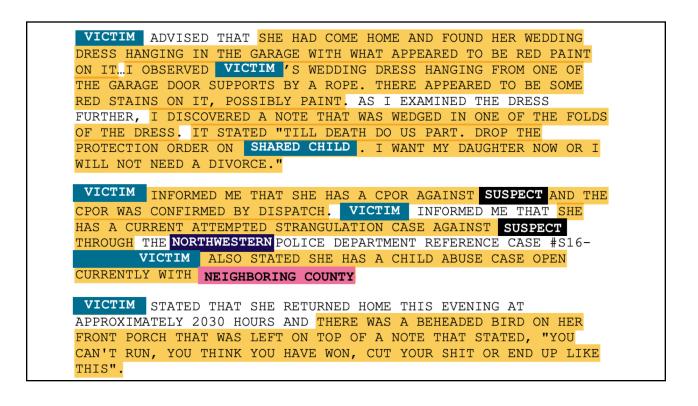
Victims may not realize technology is being used. Encourage officers/detectives to ask behavioral questions about issues w/ devices

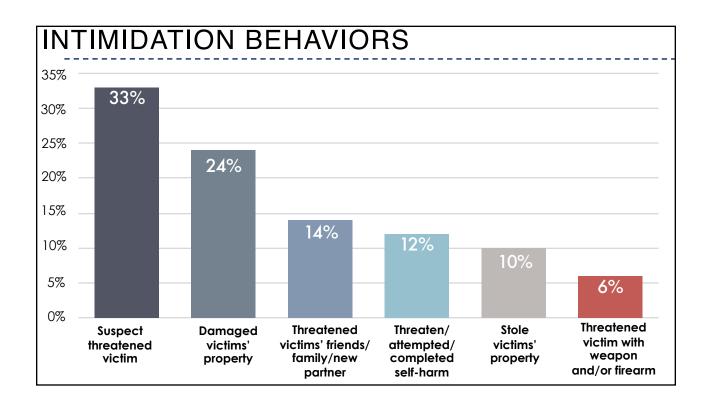
Establish procedures on how to safely communicate with victims via technology

She was texting a friend when her phone shut off in the middle of the text.

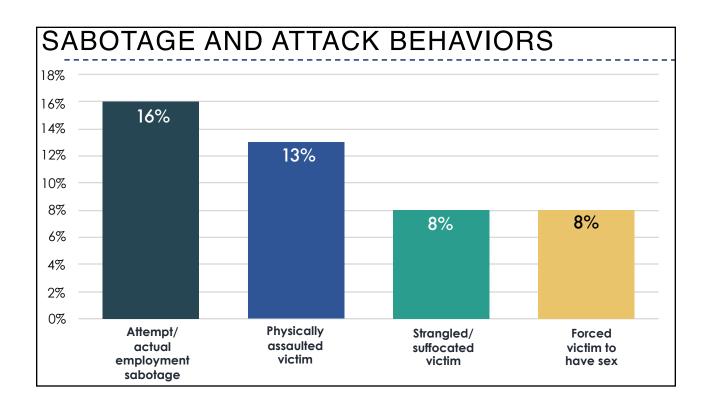
stated that she turned her phone back on and a green android symbol popped











Officers most commonly encountered stalking complaints involving unwanted phone contact and/or in-person pursuit behaviors (e.g., showing up, following, waiting, watching)

Train officers to use 'SLII' (aka 'SLY') framework

Allocate resources to help corroborate surveillance allegations

Blocking/not responding to suspect may **not** always be feasible and/or safe for victims

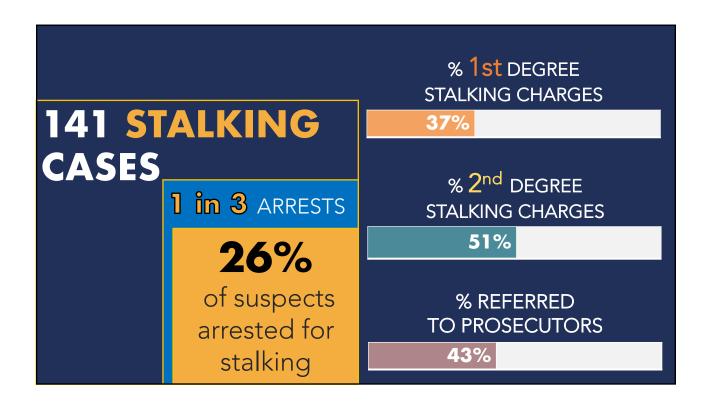
STALKING CASE OUTCOMES

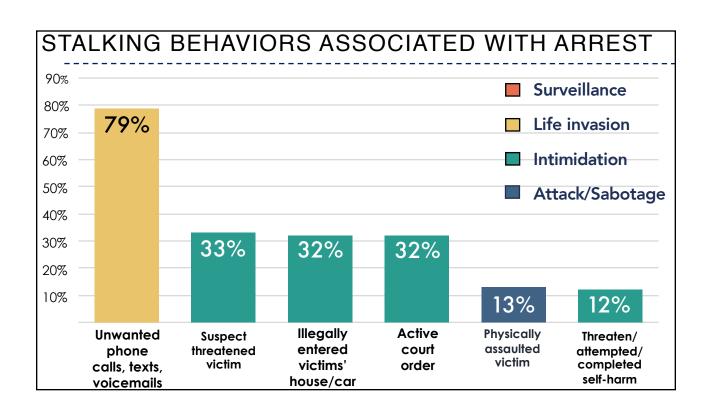
JAN 2014 – DECEMBER 2017

141 STALKING CASES







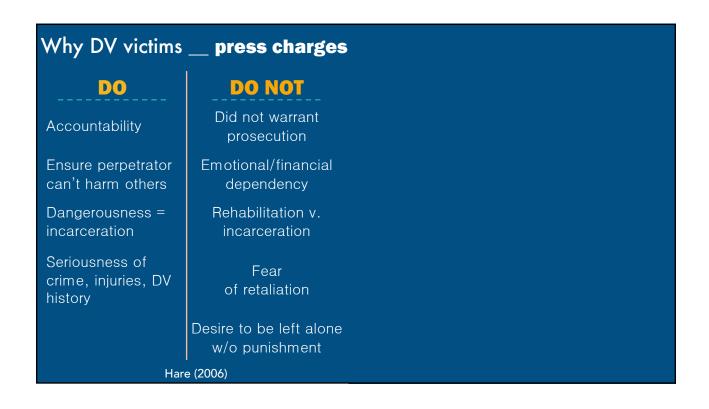


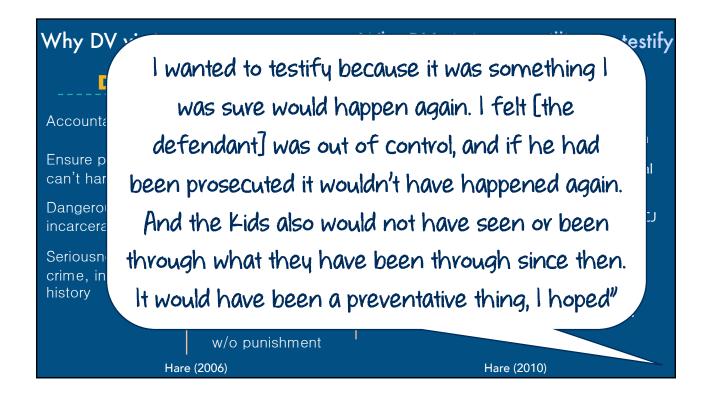
- 1 WHY STALKING VICTIMS DO & DO NOT INVOLVE THE POLICE
 - WHAT STALKING VICTIMS REPORT TO FIRST RESPONDERS
- 3 PERPETRATOR ACCOUNTABILITY W/ RELUCTANT VICTIMS

Why victims of

domestic violence

victims participate
in the legal process





Perpetrators can still be held accountable when victims are reluctant to testify

Defendant's have a right to confront & vet victims/witnesses in court

This right is **forfeited**when they are responsible
for the victims' reluctance
to testify

Davis v. California, 2006, Giles v. California, 2008

FORFEITURE OF WRONGDOING DOCTRINE

Victim Unavailable

Due to defendant's wrongdoing

Intended that result

Admission of victim's statements!

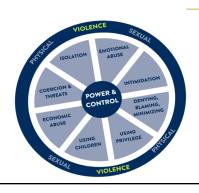
Davis v. California, 2006, Giles v. California, 2008

HOW TO PROVE FORFEITURE

Investigate All stalking complaints as an escalating pattern of coercive control

Stalking is a mechanism of coercive control

COERCION



Physical/Sexual violence Intimidation Humiliation Degradation Isolation

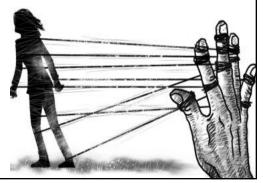
CONTROL

Deprivation

Exploitation

Regulation

Conditioning compliance



HOW ABUSERS GET VICTIMS TO RECANT Bonomi et al. (2012)				
Initial calls after arrest	Minimize, blame, invoke sympathy	Recall good times, promise future,	Ask/instruct victim to recant	Execute recantation plan
Minimize abuse Mutual blame Victim is angry/willing to stand ground	Increased depression/anxiety "intolerable" jail conditions Threats of suicide	'Us v. Them' Invoke images of life alone, bonds, memories, & future together Attempts to	Minimize/invoke sympathy Ask/instruct recantation Provide instructions	Redefine narrative of abuse event in favor of perpetrator Blame State as common enemy
Victim is going to "tell the truth"	Suffering w/o victim/children *Key strategy that appealed to victims	connect over common ground Position themselves against others who "don't understand them"		Victim & suspect are relieved, excited, & hopeful
ARREST				RECANTATION

"Perpetrators are not threatening the victim, but are using more sophisticated emotional appeals designed to minimize their actions and gain the sympathy of the victim."

Bonomi et al. (2012). Meet me at the hill where we used to park. (73) Social Science & Medicine, 1054-61

THE FIRST RESPONSE IS CRITICAL

Any time a victim reports any type of harassing behavior:

Consider the possibility of a stalking case

Determine whether this is an isolated incident or repeated conduct

IDENTIFYING POWER AND CONTROL DYNAMICS DURING THE FIRST INTERACTION IS KEY!

123

hearsay statements

domestic violence cases

on scene statements to the police

44% . 90%

Victim statements from follow-up interviews

Ruled

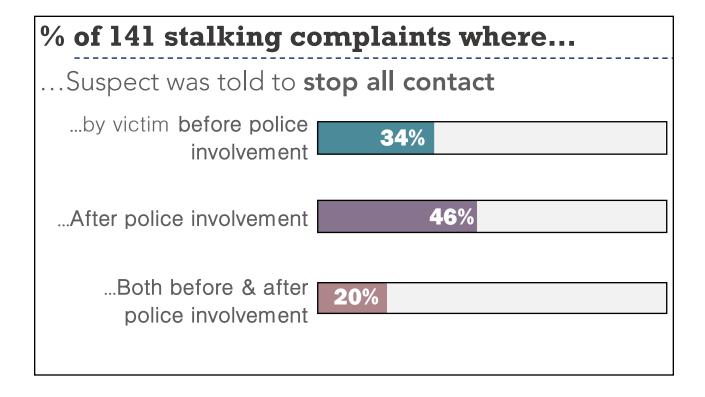
inadmissible

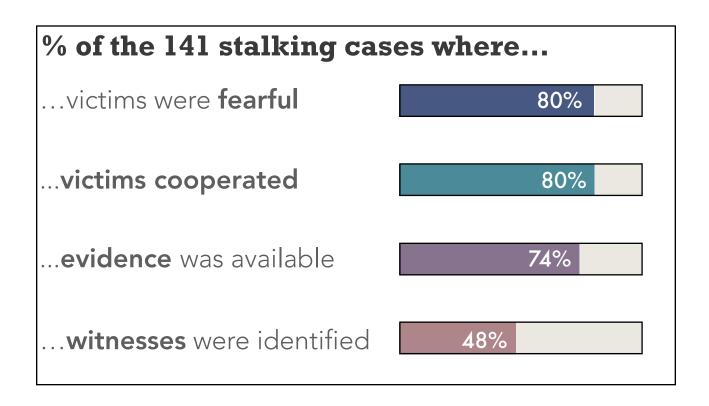
if victim/witness does not testify

Simon, 2011

"WE CAN'T MOVE FORWARD BECAUSE THE VICTIM DOESN'T WANT TO COOPERATE"

"WE CANT MOVE FORWARD BECAUSE THE *suspect is coevcing the* VICTIM DOESN-T WANT TO *NOT* COOPERATE"





RESOURCES FOR PROFESSIONALS

