

LAW ENFORCEMENT GUIDE: RESPONDING TO STALKING

SPARC STALKING
PREVENTION,
AWARENESS,
AND RESOURCE
CENTER

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

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This Guide is for law enforcement officers and agencies regarding their response to stalking. It provides essential context for SPARC’s recommended [Law Enforcement Agency Model Policy for Stalking Response](#). It also provides basic information about the dynamics of stalking, strategies to identify and investigate the crime, and important components of appropriate agency response. For additional resources and support on law enforcement’s response to stalking, visit www.StalkingAwareness.org/law-enforcement-resources and contact SPARC at tta@stalkingawareness.org. SPARC’s website also has resources for law enforcement [to share with community partners](#) to better work together to build stalking cases, support victims, and hold offenders accountable.

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LAW ENFORCEMENT GUIDE: RESPONDING TO STALKING



I. THE IMPORTANCE OF THE LAW ENFORCEMENT RESPONSE TO STALKING

Stalking is a prevalent and dangerous crime that requires a thorough law enforcement response. Too often, stalking goes unrecognized, uncharged, and/or unprosecuted — and stalkers are not held accountable for all of their crimes. Stalking includes a wide range of threatening and disturbing behaviors that can be classified into four categories: [Surveillance, Life invasion, Intimidation, and Interference through sabotage or attack \(SLII\)](#).¹ These categories overlap and build on each other.

WHAT IS STALKING?

Legal definitions of stalking vary by jurisdiction; a general definition is: **a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.**

Stalking frequently co-occurs with other crimes and is a risk factor for homicide.² All [stalkers can be dangerous](#), but former or current intimate partners are generally more threatening, violent, and interfering³ and may stalk their victims [before, during, and/or after the relationship](#).⁴ It is important to identify stalking separate from and in addition to concurring intimate partner violence.



Stalking is one of the top ten risk factors for intimate partner homicide, with a three - fold increase in risk when present.⁵



In one study, female victims in more than 75% of attempted and completed intimate partner homicides had been stalked by the same offender in the year prior to the attack.⁶ In addition:

- Among those who had been stalked, roughly 90% had also been physically abused.
- The most common use of the criminal justice system prior to the (completed or attempted) homicide was reporting partner stalking.

Victims report experiencing stalking at much higher rates than legal systems identify it. Although nearly a third of women and a sixth of men experience stalking in their lifetimes,⁷ fewer than 40% of these victims report to law enforcement.⁸ When they do report, law enforcement may not identify stalking as one of the crimes occurring.



In one study of a city department, researchers reviewed nearly 1,800 domestic violence cases and identified almost 300 that involved stalking — but police had only charged stalking in one case.⁹ Another study of a different city department found that among nearly 3,800 stalking calls for service, not one generated a stalking incident report or arrest for stalking.¹⁰

Research and practice show that victims are unlikely to use the words ‘stalking’ or ‘harassment’ when talking about their situation and may not know their experiences amount to stalking victimization; instead of asking victims if they are being stalked, [officers should ask specific questions about stalking behaviors](#). Similarly, calls for service are often not initially identified as ‘stalking calls’ and so responding officers must be able to [identify stalking on calls for service](#) regardless of how the call is initially coded or dispatched.



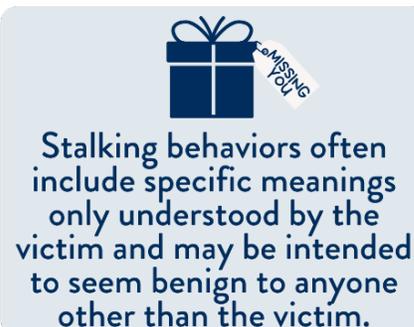
Stalking is a crime in all 50 states, the District of Columbia, the Federal Government, U.S. territories, the Uniform Code of Military Justice, and many Tribal Codes.¹¹ Some statutes define the number of incidents required to qualify as a stalking course of conduct, some narrowly define fear, and some require the stalker to intentionally or knowingly cause fear.

All stalking statutes criminalize behaviors that are legal as single incidents, as well as abusive, coercive, and controlling behaviors that may be illegal as single incidents. Therefore, it is crucial to pay attention to the case’s context to accurately determine if the offender’s behavior constitutes a pattern that would cause a reasonable person to feel fear.

II. UNDERSTANDING STALKING

A. Context is Key

Fear and/or emotional distress are key components of stalking, but what is frightening or distressful to one person may not be to another. In the vast majority of cases, the stalker knows the victim and so may have knowledge about the victim’s vulnerabilities and what would frighten them. **Acts that may be innocuous in a different context may become menacing due to their repetitiveness or intrusiveness, or because of the history of violence in the relationship between stalker and victim.**



Therefore, it is vital to understand [the context of the situation](#) to be able to determine if a reasonable person in the victim’s contextual situation would feel fear after experiencing the repeated targeted behaviors. **When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this indicates the offender’s intent to frighten them.** When there has been a history of violence and the victim has gone to significant lengths to avoid encounters with the offender, even a seemingly friendly note or gift is an alarming signal that those efforts have been unsuccessful and the offender has found the victim and poses a threat.

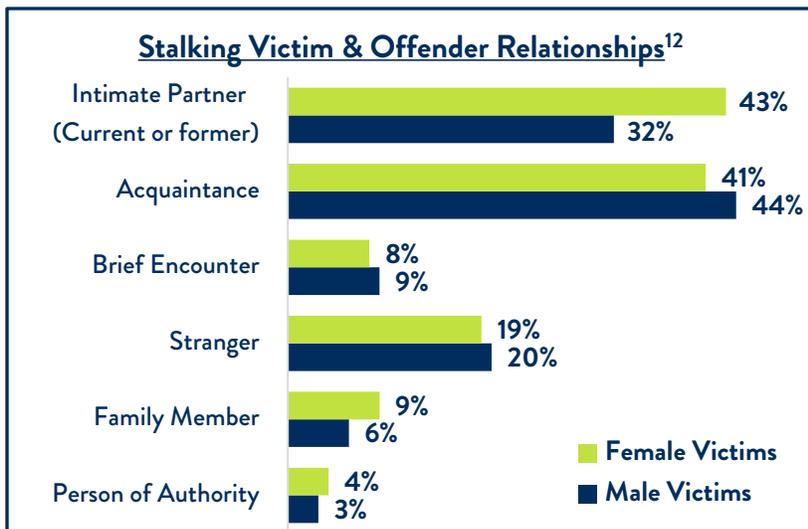


For example: Receiving a surprise flower delivery is generally a welcome experience, but when a victim has quietly relocated to escape a stalker, that flower delivery can be a terrifying and threatening message that the abuser has found them. And while it is legal to send someone flowers, it may become illegal when part of a stalking course of conduct.

People react to stalkers in a variety of ways and fear is often masked by other emotions, particularly if the victim comes from a culture that has taught them to suppress some emotions.

Fear may present as anger, frustration, hopelessness, despair, apathy, and/or a lack of emotion. Some may minimize and dismiss the stalking as “no big deal.” Friends, family, community members, peers, and responders also often downplay the seriousness of the situation.

Consider how victims change their lives to cope with the stalking. Often, a victim has taken multiple steps to address the offender’s behavior before contacting support services. When a victim changes their life because of the stalker’s behavior, it is a clear sign that the stalker’s behaviors are unwanted, and may be a sign of fear or distress. For example, a victim may not use the word “fear” but still take self-protective actions such as blocking the offender’s phone number, changing routes and schedules, and/or asking their workplace to deny the offender entry — all of which indicate fear/distress.



Research shows that the vast majority of victims are stalked by someone they know.¹² The more access to and information about the victim that the offender has, the more dangerous and threatening they can — and are likely to — be; research shows that intimate partner stalkers use violence and threats the most, followed by acquaintance stalkers, and then strangers.¹³

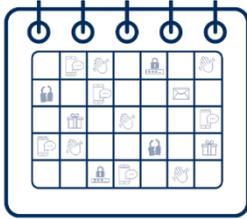
Victims use a variety of strategies to cope with stalking, including confronting the stalker, appeasing the stalker, denying the stalking is happening, distracting themselves, or taking steps to try to improve their safety. Some victims purposefully isolate themselves — physically and/or emotionally — from friends and family to mitigate the impact of the stalking on themselves and their loved ones. **It is important to note that some victims continue to have contact and engage with the stalker as a safety strategy.** Victims are often gathering information, assessing the offender’s state of mind, and negotiating for their safety. Contact on the part of the victim does not mean that the victim is not in fear or that the stalker’s behaviors are wanted; it may indicate that the victim is very afraid of the offender and the contact provides the victim with information helpful for evaluating and planning for the safety of themselves and their family, children, and/or pets.

B. Identifying Stalking Behaviors

Stalking creates a psychological prison that deprives its victims of basic liberty of movement and security in their daily life activities. Stalking is not, by definition, a one-time criminal act but a series of repeated acts of victimization, i.e. a course of conduct.

Stalkers often try to argue that their behavior is based on a legitimate purpose (to see the kids, to share the car, to drive down the street, etc.), is a coincidence, or is not itself criminal behavior. However, if their behavior is a pattern that shows the intent to surveil, intimidate, or sabotage the victim, then their actions legally meet the evidence-based definition of stalking.

When the offender targets a victim with specific incidents or tactics that the victim finds frightening, this can be evidence of the offender’s intent to frighten them. Stalking behaviors can be done in-person or through technology, and nearly half of all stalking victims experience both.



It is important to remember many stalkers use more than one means of contact, communication, or approach, and stalking behaviors may change and escalate over time. Many stalkers combine behaviors that are crimes on their own (like property damage, trespassing, harassment) with other tactics that are not criminal on their own (like sending gifts or text messages), but these behaviors can be criminal when part of a stalking course of conduct. [Documenting all stalking behavior](#), no matter how minor it appears, will be essential to a stalking victim’s case.

To identify behaviors that may be part of a stalking course of conduct, it is helpful to group them into SLII strategies: Surveillance, Life invasion, Intimidation, and Interference through sabotage or attack.

- **SURVEILLANCE** is the most commonly identified stalking tactic and includes watching, following, monitoring, and gathering information about the victim, in-person or through technology.
- **LIFE INVASION** describes ways that the offender shows up in the victim’s life without the victim’s consent, in public or private settings, in-person, or through technology.
- **INTIMIDATION** tactics must be considered within the context of the situation, with the totality of stalking behaviors and the victim and offender’s relationship and history in mind. Threats can be explicit or implicit. Things that may be innocuous in a different context may become menacing due to their repetitiveness or intrusiveness, or because of the history of violence in the relationship between stalker and victim.
- **INTERFERENCE THROUGH SABOTAGE OR ATTACK** can affect everything from the victim’s reputation to their employment and/or physical safety. A common and significant consequence is victims losing financial resources and other resources, a loss that can quickly spiral.



Intimate partner stalkers are more likely (than stalkers with other relationships to victims) to physically approach the victim; be interfering, insulting, and threatening; use weapons; escalate behaviors quickly; and re-offend, making it vital to consider stalking whenever intimate partners are involved.¹⁴ **Stalking is often part of the coercive control tactics used by [intimate partner violence offenders](#) to exert power and control over victims,** and it is essential to identify and name stalking in these cases for victim safety, even when a stalking crime cannot be charged.

Stalking often intersects with other crimes. Some stalkers commit crimes as part of their stalking course of conduct – for example, trespassing, telecommunications harassment, and/or property damage. **Too often, these crimes are assessed as singular and isolated incidents rather than being identified as pieces of the larger course of conduct that constitutes stalking.** When possible, these crimes should be charged in addition to stalking for maximum accountability.

Stalking behaviors are also often part of other crimes – for example, an offender might engage in surveillance tactics to identify when someone is vulnerable and alone in planning to commit a crime like kidnapping or sexual assault.



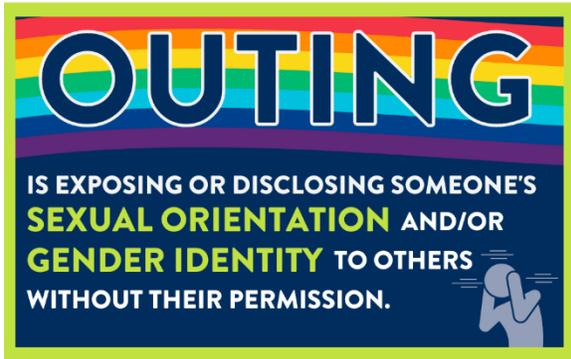
Even when stalking is not the most strategic charge, it is critical to identify and name stalking behaviors. Naming stalking allows future responders and others reading police reports (prosecutors, probation, etc.) to more easily identify that stalking is occurring and to assess the situation and threat level through that lens, regardless of charging decisions.

Common stalking behaviors are listed below, but it is not an exhaustive list. Remember that stalkers are creative in the pervasive ways they monitor, surveil, contact, control, and isolate victims, as well as the ways they damage victims' credibility or reputation.

Table 1: Examples of Stalking SLII Strategies

 SURVEILLANCE	 LIFE INVASION	 INTIMIDATION	 INTERFERENCE THROUGH SABOTAGE OR ATTACK
<ul style="list-style-type: none"> • Follow, watch, monitor, or observe victim's physical or online presence, by physical proximity or electronic means • Track victim's location • Seek information about victim from others, in-person or online • Pursue, wait, or show up uninvited at a workplace, gym, residence, grocery store, classroom, or other locations frequented by victim • Hack into victim's accounts to view correspondence • Have others contact, harass, or stalk the victim • Plant listening or recording devices in the victim's home 	<ul style="list-style-type: none"> • Persistent and unwanted contact (phone calls, texts, voice messages, emails, social media messages and posts, letters, notes, postcards) • Unwanted gifts • Publicly shame, embarrass, humiliate, and/or objectify victim • Spread rumors about victim • Share/post private information, images, and/or videos of victim • Property invasion or damage, trespassing • Impersonate victim online (like posing as them on dating sites) • Harass victim's friends/family • Take or create photos/videos without consent • Identity theft 	<ul style="list-style-type: none"> • Explicit, implicit threats • Symbolic violence (like destroying underwear or a meaningful item) • Threats to harm or actually harming self • Threats to harm others (family, friends, pets) • Blackmail, threats to spread rumors or share private information • Threats to interfere with employment, finances, custody • Threats to retaliate against victim if they tell anyone • Deportation or other legal threats • Solicit intimate images or sexual activity through threats or blackmail • Threaten or intimidate the victim to keep them from reporting, seeking services, or participating in the criminal or civil justice systems 	<ul style="list-style-type: none"> • Physical/sexual attack • Non-consensual touching • Repeated unwanted contact of a sexual nature • Voyeurism • Indecent exposure • Harm victim's family, friends, pets • Sabotage finances, work, or education • Ruin reputation • Steal or damage property, vandalism • Custody interference • Keep victim from leaving • Post private photos, videos, information • Control accounts • Road rage • Pose as victim and create harm • Human trafficking • Sexual exploitation • Tamper with or disable vehicle • Report victim to authorities for crimes that did not occur • Defamation, slander

Stalking can take on specific tactics — and implications — when abusers identify victim characteristics that they can exploit as part of the abuse. For example, a stalker might threaten to out an LGBTQ+ victim, threaten to get an immigrant victim deported, or use antisemitic slurs to frighten a Jewish victim. A stalker might deliberately target someone with identities that they are biased against. Since every person has multiple and overlapping identities, a stalker might target victims based on multiple characteristics, including LGBTQ+ identity, immigration status, people of certain faith communities, or people of certain racial or ethnic backgrounds. Stalking may also precede other crimes, including hate crimes, as offenders target and gather information about victims for planning attacks.



C. Technology-Facilitated Stalking (Cyber-stalking)

Technology-facilitated stalking (cyber-stalking) should be given the same consideration and concern as in-person stalking. Nearly half of all stalking cases involve both in-person and technology-facilitated stalking.¹⁵ Technology-facilitated stalking works in the same way as stalking in the physical world. In fact, many offenders combine their technology abuse activities with in-person forms of stalking and harassment, such as telephoning the victim and going to the victim's home. Stalkers may use the internet and tracking software/devices to locate or target the victim; to put personal information about (or photos or videos of) victims online to harass, intimidate, threaten, or humiliate the victim; and/or to encourage others to contact or harm the victim. Stalkers may use real photos or videos of the victim, or edit or create (deepfake) them. Stalkers may also use voice imitation technologies to harass victims or to impersonate victims and contact others.



Technologies and tactics used by abusers constantly evolve and may initially seem impossible or unrealistic, but stalkers are inventive criminals who often go to great lengths to terrorize victims. To successfully investigate technology-facilitated stalking cases, law enforcement must understand how offenders use technology and the internet to stalk victims, as well as know how to capture, document, and verify digital evidence.

The impact of technology-facilitated stalking is vast and just as invasive, threatening, and fear-inducing as in-person stalking. **Victims of technology-facilitated stalking report being just as concerned for their safety as individuals who experience in-person stalking.**¹⁶ However, many stalking victims do not consider technology-facilitated stalking tactics to be “stalking,” and so may need help identifying such tactics as part of a stalking course of conduct. Technology used to stalk can include but is not limited to: phones, computers, tablets, mobile devices, software, the internet, email, social media, messaging applications, smart home devices, recording devices, tracking devices, or other digital electronic devices and software.

Below are some examples of stalking SLII strategies using technology.

Table 2: Examples of Technology-Facilitated Stalking SLII Strategies

 SURVEILLANCE	 LIFE INVASION	 INTIMIDATION	 INTERFERENCE THROUGH SABOTAGE OR ATTACK
<ul style="list-style-type: none"> • Smart home devices • Tracking software • GPS or Bluetooth tracking devices • Cameras or audio/video recording devices • Monitor online activity • Access online accounts 	<ul style="list-style-type: none"> • Unwanted contact online, through text messages or phone calls, other platforms • Impersonate victim online • Hack into victim's accounts • Impersonate others to access the victim (masking or spoofing calls, texts, social media accounts) 	<ul style="list-style-type: none"> • Online threats • Blackmail • Sextortion • Threats to release private information, photos, or videos, real or fake • Threats to interfere with online accounts • Threats to harm online • Threats to use technology to interfere with property, employment, finances 	<ul style="list-style-type: none"> • Post private photos, videos, information online, real or fake • Spread rumors online • Control online accounts • Doxing (publicly posting personally identifiable info) • Swatting (prank call to emergency services) • Pose as victim and creating harm • Use technology to encourage others to harm the victim

D. Authority Figure Offenders

A person of authority is someone who has power over the victim's personal or professional quality of life, such as a supervisor, a teacher or professor, a coach, a mentor, a landlord, a law enforcement officer, a prosecutor, a judge, a government official, a loan officer, a medical professional, a caretaker, an organizational leader, or someone with more money, resources, and connections in the community than the victim has. Authority figures may have access to personnel files that contain addresses, emergency contacts, and other confidential information that can be used to stalk victims. Due to the power imbalance between victims and authority figures, victims may be less likely to stand up to offenders and/or report their experience to anyone.



E. Stalking in Diverse Populations

Anyone can be a victim of stalking. **However, women, young adults, individuals with disabilities, and lesbian, gay, bisexual, transgender, and queer individuals experience stalking at higher rates.** As with many crimes of interpersonal violence, stalking victims are often targeted because of perceived vulnerabilities that may make them less likely to report the crime and less likely to be believed or taken seriously if they do report.

Specific groups of stalking victims may face additional internal and/or external barriers in accessing and receiving assistance. Stalking victims come from diverse backgrounds and



bring with them their own experiences, beliefs, and values. While knowing how to respond to all victims may be challenging, being respectful and being aware that one's own culture may be different than the victim's is vital — this is called practicing cultural humility. Cultural humility means admitting that one does not know everything and that one's own beliefs and values may be different from others', and also means being willing to learn from others.

Acknowledging and understanding how a victim self-identifies is important to building a relationship based on trust and respect. Due to historical law enforcement responses and outcomes, some populations may require continuous community outreach and education to build and strengthen relationships.

Considerations include:

- 1) Black, Indigenous, multiracial, and other people of color may be hesitant to report to and work with law enforcement due to their own negative past experiences or those of family and friends, their community's negative perceptions of law enforcement, or the historic harmful treatment of people of color by law enforcement and the U.S. legal system.
- 2) A stalker may exploit a victim's sexual orientation or gender identity in their stalking course of conduct — for example, by threatening to “out” them as a member of the LGBTQ+ community or spreading rumors about them at the gay bar in town. It is important not to force someone to disclose their sexual orientation or gender identity and to keep that information confidential when disclosed by the victim. Stalking can occur in any romantic relationship, whether heterosexual, gay, lesbian, or polyamorous.
- 3) Victims with disabilities may face complex challenges. Stalkers may target these victims because of their disabilities or exploit their disabilities in committing crimes. People with disabilities are particularly vulnerable to stalking because they are sometimes perceived to be easier to control than other victims. As part of an overall pattern of conduct, these controlling behaviors produce substantial emotional distress and are likely to cause fear in the victim.
- 4) Members of different cultural communities may describe stalking dynamics specific to their cultures or situations. For example, someone could be stalked by their own family members because they have chosen to marry or be romantically involved with someone who was not pre-selected by their family. In such situations, families may follow the victim and monitor their movements, lock them in a certain location to prevent them from meeting the person they wish to marry, threaten to harm them or their intended spouse if they do not end the relationship, and even kill them to prevent them from marrying.
- 5) If someone is an immigrant or refugee, learning more about their culture and identity may be helpful in responding to what they are experiencing. Victims in immigrant and refugee communities may have limited English proficiency. Whenever possible, use a certified and confidential interpreter to communicate with the victim. **Avoid using family, friends, and members of their community to interpret, as it may not be safe for the victim.** Immigrants and refugees may not know that stalking behaviors are crimes or that stalking itself is a crime, and/or may be fearful of deportation and arrest. Stalkers may use the threat of deportation against immigrants or refugees.

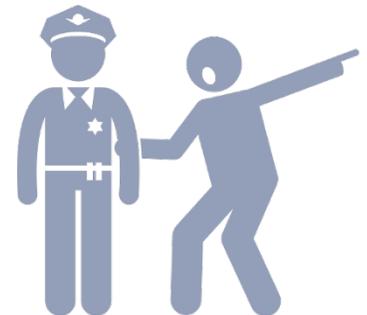
- 6) Immigrant stalking victims are often particularly susceptible to isolation tactics of stalkers.
- Some victims may have no extended family networks in the United States and no one to confide in. Stalkers may also limit a victim’s contact with their families, both in the United States and abroad, and/or prevent them from learning English. In addition to limiting a victim’s contact with their families, stalkers may use technology to send inaccurate information abroad.
 - Stalkers may also prevent victims from reporting stalking by implicating their victims in crimes.
 - Compounding the isolation of many immigrant victims by stalking is the fear that reporting the crime would expose them and their families to shame in the eyes of their home county and new communities.
 - Immigrant victims of stalking may lack access to work, money, and the language skills needed to operate in U.S. society. The stalker may control all of the victim’s resources.
- 7) Individuals who strongly identify as a member of a group may be reluctant to “air dirty laundry” to those outside of the group and involve law enforcement. This could be a faith community, LGBTQ+ community, Native American community or tribe, Black community, or another. They may worry about retaliation from other group members and/or losing access to resources that are important to them and tied to the group.

III. LAW ENFORCEMENT RESPONSE TO STALKING

Charging stalking often holds the offender accountable for more of the harm inflicted on the victim and may support important safety conditions for bail or probation, a lengthier prison sentence, and future prosecution if the offender later resumes stalking the same victim — or as often happens, another one.

When stalking is overlooked and unaddressed, victim safety is compromised and offenders are not held accountable for the entirety of their behaviors. In addition, stalking charges are strategic because proof of stalking requires evidence of the acts constituting the course of conduct, and so the charge permits admission of a wide range of evidence of “other bad acts.”

Such evidence provides context for other charges, shedding light on the defendant’s purpose, motive, and intent and helping to explain the victim’s behavior. It provides the judge and jury with the fullest possible picture of the relationship between the parties and of the offender-victim dynamics that permeate that relationship, allowing better understanding of how and why the crimes were committed.



A. Course of Conduct

Stalking differs from most crimes in that it criminalizes a “course of conduct” rather than one incident. Moreover, the individual acts making up the course of conduct may not be criminal in and of themselves. Victims, law enforcement, advocates, and prosecutors often fail to recognize patterns of behavior as “stalking” or associate the term exclusively with following, monitoring, or surveillance — acts that represent only one variety of the many types of behavior that may fit the statutory definition of stalking. Legal systems may focus on a specific incident that resulted in a law enforcement response (e.g., an assault, an isolated threat, an act of vandalism) and fail to explore the context within which the act was committed — context that may include a course of conduct chargeable as stalking.

Officers should be able to identify stalking outside of domestic violence cases, in both property crimes and crimes against persons. Because stalking frequently co-occurs with other crimes, incidents such as vandalism, burglary, and violations of protection orders should be investigated to determine if these behaviors establish a pattern of conduct that is stalking. Officers should [ask questions on calls for service](#) to fulfill their responsibility to identify and name all crimes that occurred – including stalking.

Protective order violations are often treated as isolated incidents separate from other conduct, but because they are issued after at least one instance of misconduct towards a particular victim, even a single violation – taken together with the misconduct that led to the protection order – may qualify as a course of conduct that is stalking.

Officers responding to calls regarding violations of protective orders should take those violations seriously and arrest violators where appropriate. Officers should investigate these offenses as part of a course of conduct and not simply a single act, and consider whether it is part of a course of conduct that rises to the level of stalking. It is also important to consider that in many jurisdictions, the existence of a protective order makes a stalking charge a felony.

When [investigating a potential stalking course of conduct](#), it is key to:

- Describe the big picture, going beyond individual incidents to document the various behaviors and methods of contacting and/or terrorizing the victim.
- Document the fear and harm the victim experienced and how they changed their life in response to the stalker’s behaviors.
- Contextualize the threats to show who the stalker is and what they are capable of.

B. Fear and/or Emotional Distress

Rather than rely on a victim explicitly stating they are fearful or distressed, **it is helpful to consider how victims change their behaviors to cope with the stalking.** Fear and distress may be masked by other emotions the victim is expressing.

At a minimum, changes that victims have made to their lives or behaviors are signs the victim is resisting the contact from the stalker and the stalker’s behaviors are unwanted. Evidence and corroboration of the victim’s fear and resistance can be found by considering these accommodations and changes the victim has made to their life.

In addition, when the offender’s actions are frightening or upsetting because of past history or information they possess about the victim – for example, making threats that prey on a particular fear – this shows the offender’s knowledge and intent.



Corroboration of victim fear and/or resistance might include:

- Time spent obtaining a protection order
- Screening phone calls
- Relocation
- Efforts to keep their address or location a secret
- Changing their own phone numbers, email addresses, and/or social media accounts
- 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
- Increased security and/or privacy measures
- Asking friends, family, or professionals for help
- Changes to schedule, routine, and/or route/method of transportation
- Avoiding locations or activities
- 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



C. Unwelcome Conduct

Not all stalking victims explicitly state that they want the stalker to stop. However, when a victim resists contact with the stalker and/or makes changes in their life in reaction to the stalker's behavior, it is a clear sign that those behaviors are unwanted.

Victims may simultaneously show signs of resistance while also engaging with their stalker. Victims use a variety of strategies to cope with stalking, including confronting the stalker, appeasing the stalker, denying the stalking is happening, distracting themselves, and/or taking steps to try to increase their safety.

Some victims continue to have contact with and engage with the stalker as a safety strategy. Victims may maintain contact with offenders in order to know where they are, gauge their mood, placate them to prevent further violence, negotiate for safety, and/or protect their family, children, and/or pets.

Stalkers may be notified that their behavior is unwanted by direct, formal means (like a protection order or communication from the victim) or more indirectly (like their victim not responding to their efforts at communication or avoiding them). Whether the stalker is formally notified or should be picking up on social norms that their behavior is unwanted, if they continue to persist it is an important red flag for the victim's safety as well as a clear sign that the stalker's course of conduct is deliberate and intentional.

*"If you've never been in a predator-type situation, it's better to know where they're at than not know. The reason I didn't block him was to help not being caught off-guard."
-Stalking Victim*



D. Co-Occurring and Interconnected Crimes



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.

Considering witness intimidation — especially after the victim has reported to law enforcement or applied for a protection order — is often a vital piece of a stalking case; stalkers often threaten victims about reporting to and/or participating in the criminal or civil justice system. **Monitoring post-intervention stalker behavior is a key part of an investigation, and stalking may actually increase during this time.** The more comprehensive the investigation and evidence collection, the less likely the prosecution will rely solely on victim testimony.

Stalking as a means of witness intimidation may be employed by human traffickers, perpetrators of domestic violence, and offenders of other crimes as well — ranging from drug offenses to gang violence to white-collar crime. Offenders may use stalking to keep victims from reporting to authorities. Offenders or their allies may repeatedly drive by the witness's home, park on the witness's street, or make threats against the witness or the witness's family, including immigration-related threats. Offenders may use social media to threaten witnesses or expose their cooperation with the justice system on social media or other websites.

Stalking often co-occurs with domestic/intimate partner violence and can be an indicator of other forms of violence. **When a domestic abuser repeatedly engages in physical, sexual, emotional, or psychological abuse against a victim, that may also be stalking.**

A common aspect of intimate partner violence is coercive control, and stalking tactics are often part of that coercive control. When abusers use stalking tactics to intimidate and control their victims, engaging in a pattern of behavior that would cause a reasonable person to feel fear, abusers are engaging in both stalking and coercive control.

Human trafficking often involves co-occurring stalking behavior, where the stalking may be a tactic to coerce or isolate the victim, or to intimidate the victim or witnesses. History is important in cases of human trafficking (as well as any other crime in which the offender and victim had a relationship of any duration), providing the offender with the opportunity and motive to engage in repetitive acts in the course of targeting or maintaining control over the victim. Given the various methods of coercive control used by traffickers, it is difficult to imagine a trafficking case that does not also involve stalking.

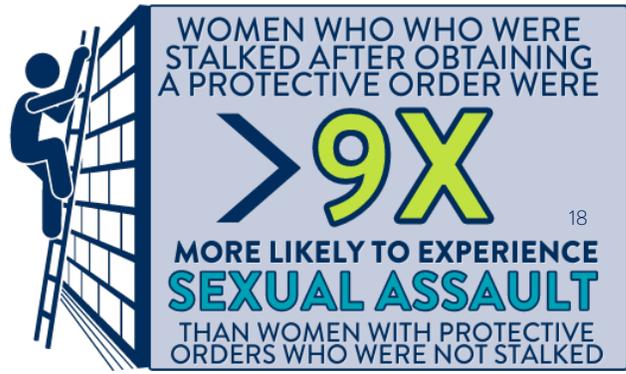
CRIMES SUCH AS

-  **IDENTITY THEFT, COMPUTER CRIMES**
-  **VANDALISM, PROPERTY CRIMES**
-  **VOYEURISM, PRIVACY VIOLATION, IMAGE CREATION/DISTRIBUTION**
-  **EAVESDROPPING, TRESPASSING, NONCONSENSUAL RECORDING**
-  **FALSE REPORTS, WITNESS INTIMIDATION**

MAY BE PART OF A STALKER'S COURSE OF CONDUCT

Sexual violence and stalking intersect in a variety of ways. Offenders may [use sexual violence as part of a stalking course of conduct](#). **Fear of sexual assault is covered under most stalking statutes.**

Some stalkers sexually assault their victims as part of the ongoing stalking, some begin stalking their victims after they sexually assault them, some threaten or plan to sexual assault their victim, and some solicit a third party to sexually assault their victim. When sex offenders select, groom, shame, intimidate, and threaten their victims into silence over a period of weeks, months, or years, that is likely stalking.



Stalking is associated with increased protection order violations across many types of orders including protection orders issued to stop family violence, sexual assault, and stalking. In one study, stalking was also associated with higher levels of fear; researchers compared victim fear across different situations, finding that victims were more fearful when their protection order was violated and they had been stalked, compared with when their protection order was violated and they had not been stalked, and compared with when their protection order was not violated at all.¹⁹ **Remember that victims cannot violate their own protection orders because orders only circumscribe the offender’s behavior, not the victim’s.** The Full Faith and Credit provision of the Violence Against Women Act requires officers to enforce all orders of protection issued in a U.S. jurisdiction, including injunctions against harassment and stalking, and including injunctions issued in other jurisdictions.

Crimes commonly co-occurring and interconnected with stalking include:				
HARASSMENT	VANDALISM	VOYEURISM	EXTORTION	FALSE REPORTS
PROPERTY DAMAGE	DOMESTIC VIOLENCE	PRIVACY VIOLATION	NONCONSENSUAL RECORDING	WITNESS INTIMIDATION
BURGLARY	SEXUAL ASSAULT	TRESPASSING	KIDNAPPING	FRAUD
GRAND OR PETIT LARCENY	SEXUAL HARASSMENT	SEXUAL EXPLOITATION	CRUELTY TO ANIMALS	COMPUTER CRIMES
IDENTITY THEFT	FORCIBLE ENTRY	ASSAULT	BATTERY	BLACKMAIL
PROTECTIVE ORDER VIOLATIONS	CRIMINAL DAMAGE	FALSE IMPRISONMENT	HUMAN TRAFFICKING	INSTIGATING OR CONSPIRING TO TRESPASS
UNAUTHORIZED USE OF ELECTRONIC TRACKING DEVICE	UNLAWFUL CREATION OF AN IMAGE OF ANOTHER	NONCONSENSUAL DISTRIBUTION OF INTIMATE IMAGES	INTERCEPTION OR MONITORING OF PHONE CALLS	THREATS OF DEATH OR BODILY INJURY/HARM

E. Victim-Centered and Trauma-Informed Approach

[Stalking investigations should be thorough](#) and performed in a victim-centered and trauma-informed manner that aims to restore the victim's sense of control and decrease the victim's anxiety.

- A *Trauma-Informed Approach* takes into account the effects of trauma on a victim and adapts in an effort to not retraumatize them. [Trauma-informed victim interviewing](#) is a key part of this approach.
- A *Victim-Centered Approach* is a systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner. A victim-centered law enforcement approach seeks to minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering victims as engaged participants in the process, and providing victims an opportunity to play a role in seeing the offender brought to justice. A victim-centered approach focuses on the needs and concerns of the victim during investigations, adapting as necessary to minimize retraumatizing them, maximize healing and empowerment, and respecting their decision to participate in the criminal justice process or not.

For example, in a victim interview, this would look like:

- Starting an interview by acknowledging that some of the questions might seem unusual and explaining that all of the questions serve to help the interviewer understand the victim's experience of the event.
- Explaining to the victim why law enforcement is asking a question and its context as part of the legal definition of stalking.
- Encouraging victims to ask questions at the beginning and throughout if they need clarification regarding the process or the purpose of interview questions.
- Beginning with questions such as "Where would you like to start?" or "Would you tell me what you are able to about your experience?" to set a supportive tone and invite the victim to describe what happened and their thoughts and feelings in their own words, which is valuable evidence to document in the case report.
- Allowing plenty of time for the victim to respond to questions, to help their brain retrieve information from a traumatic event and offer them more control as they recount a time when they were violated and had no control.



A victim-centered and trauma-informed approach also considers the [phrasing of questions](#) during victim interviews. Victims may perceive "why" and "explain to me" as accusatory or blaming. **Because of the traumatic impact the events may have had on a victim, they might not recall details in chronological order.** Using open-ended questions and requests, when possible, gives the person being interviewed the opportunity to share more information about what they are able to recall.

Polygraphs should never be used to test the veracity of victim statements.

A victim-centered and trauma-informed approach must respect victims' decisions. While it is best to recommend complete disengagement with the stalker, the victim may not be willing or able to do that for various reasons and their decision should be respected. Some victims may be required to maintain contact with the offender because they share custody of minor children, work together, or share friends/family. It is vital to understand that many victims maintain contact with the offender as a safety strategy. Victims often want to keep in contact with the offender in order to stay up-to-date on where the offender is, what they are doing, and how they feel so that the victim is not caught off-guard. While complete disengagement is ideal, it is often neither possible nor likely. Referring victims to victim advocates can be an effective way of establishing and communicating risk.

F. Risk, Threat, Danger, and Lethality Assessments

Stalkers can be very dangerous, so conducting a risk, threat, danger, or lethality assessment is helpful. Consider adding a few questions about stalking to any assessments that officers use.

Use these four screening questions to identify stalking SLII behaviors:

Has the offender...



...followed you, watched you, showed up unexpectedly, or communicated with you in ways that seem obsessive or make you concerned for your safety?

...repeatedly initiated unwanted contact with you (e.g. repeated calls, texts, messages, emails, gifts, including through third parties)?

...threatened you or done other things to intimidate you? What have they done that has frightened or alarmed you?

...significantly and directly interfered with your life? (for example, physically or sexually assaulting you, forcibly keeping you from leaving or holding you against your will, causing you to have a serious accident, assaulting your friends or family or community or pets, or seriously attacking you in other ways?)

Also consider using the [Stalking & Harassment Assessment & Risk Profile \(SHARP\)](#). While many risk, danger, and lethality assessments focus primarily on domestic violence, SHARP is designed specifically to examine and assess stalking. It is a free, online tool that generates a report assessing the “big picture” of a stalking situation. It also generates a situational risk profile report that consists of 14 factors associated with a wide variety of harms including physical or sexual attack, harm to others, ongoing and escalating stalking and harassment, and life sabotage. SHARP is a valuable tool to assess a stalking situation and should be discussed as an option with every stalking victim, every time their situation changes.

Table 3: Stalking Risk Assessment Factors

BIG PICTURE 	STALKER MINDSET 	STALKER HISTORY 	VICTIM VULNERABILITY 
<ol style="list-style-type: none"> 1 Course of conduct (duration, intensity, frequency) 2 Escalation of behaviors over time, events or dates that may trigger an escalation 3 Nature, specificity, and context of threats 4 Previous threat follow-through, ability to carry out threats 	<ol style="list-style-type: none"> 5 History of abuse to victim (control, jealousy, violence) 6 History of violence and abuse to others 7 Access to and previous use of guns and weapons, any prior training in using weapons 8 Criminal history, mental health, substance abuse 	<ol style="list-style-type: none"> 9 Victim's resistance and stalker's persistence 10 Stalker's motive and demonstrated lack of concern for consequences 11 Proxy stalking (enlisting others to stalk the victim) 	<ol style="list-style-type: none"> 12 Victim's fear, whether the victim's life and environment provide opportunity for stalking or not, the impact of the stalking on the victim's life 13 Stalker's use of and expertise with technology 14 Victim vulnerability

G. Collaboration

By developing good relationships and establishing trust with victims and victim advocates — and by involving them in the investigation, reporting, and prosecution phases of a multi-disciplinary stalking response — law enforcement officers can increase the likelihood of arrests and successful prosecutions as well as enhance officer and victim safety. It is helpful to participate in trainings and share resources with partners, to better work together to build stalking cases, support victims, and hold offenders accountable.

Since stalking is a course of conduct and is rarely confined to one jurisdiction, cases often require a coordinated response. Helpful strategies for a coordinated community response include:

- Focusing on risk, using the SHARP to identify high-risk cases
- Frequent multi-disciplinary case reviews
- Engaging with community partners to ensure victims receive appropriate services including safety planning
- Engaging with community partners, particularly pre-trial services, corrections, and probation, to ensure offenders are appropriately supervised and monitored

Interagency agreements with other justice system personnel and community-based service providers are often helpful.

IV. APPLICABLE FEDERAL CODES

While the interstate stalking law was not intended to supplant state and local prosecution of stalking crimes, the Federal Government has an important role to play in supplementing state and local efforts. Federal anti-stalking statutes are a valuable tool for prosecuting cases when the interstate nature of the offense may complicate effective State investigation and prosecution. In some cases, a Federal prosecution may carry a more severe and appropriate punishment for an offender than a prosecution under a similar

state law. If a defendant has traveled from state to state or in and out of tribal territories, local law enforcement officials may have difficulty gathering evidence whereas the nationwide resources of the FBI might be helpful. In other cases, a State prosecutor may request that the case be referred for Federal prosecution because, once detained by a federal court, a defendant is more likely to remain in custody prior to trial.



1) 18 U.S.C. §875(c) Interstate Communications

- This statute makes it a federal crime, punishable by up to five years in prison, to transmit in interstate or foreign communications, any threat to kidnap or injure another person.

2) 18 U.S.C.A. § 876 Mailing Threatening Communications

- This statute makes it a federal crime to send, or cause to be sent, communications through the United States Postal Service under any of the following circumstances: to request payment or ransom for the release of any kidnapped person; threatening, with the intent to extort for anything of value, to kidnap or injure another; threatening to kidnap or injure another without the intent to extort; threatening to kidnap or injure a United States judge, a Federal law enforcement officer, or any officer or employee of the United States or of any agency in any branch of the United States Government, including any member of the uniformed services; threatening, with the intent to extort for anything of value, to injure the property or reputation of another, the reputation of a deceased person, or any threat to accuse another person of a crime; threatening, with the intent to extort for anything of value, to injure the property or reputation of another, the reputation of a deceased person, or any threat to accuse another person of a crime and the person threatened is a United States judge, a Federal law enforcement officer, or any officer or employee of the United States or of any agency in any branch of the United States Government, including any member of the uniformed services. Punishment ranges from 2 years imprisonment to 20 years imprisonment.

3) 18 U.S.C.A. § 877 Mailing Threatening Communications from Foreign Country

- This statute makes it a federal crime for someone from a foreign country to send, or cause to be sent communications, through the United States Postal Service under any of the following circumstance: to request payment or ransom for the release of any kidnapped person; threatening, with the intent to extort for anything of value, to kidnap or injure another; threatening to kidnap or injure another without the intent to extort; and/or threatening, with the intent to extort for anything of value, to injure the property or reputation of another, the reputation of a deceased person, or any threat to accuse another person of a crime. Punishment ranges from 2 years imprisonment to 20 years imprisonment.

4) 18 U.S.C. §2261 Interstate Domestic Violence

- This statute makes it a federal crime, punishable from five years to life in prison, to travel across state, tribal, or international lines with the intent to kill, injure, harass, or intimidate a spouse or intimate partner and to commit, or attempt to commit, a crime of violence against that spouse or intimate partner. This statute also makes it a federal crime to make an intimate partner, spouse, or dating partner travel across state, tribal, or international lines by force, duress, coercion, or fraud and during this act the offender commits or attempts to commit a crime of violence against the victim.

- 5) 18 U.S.C. §2261A Stalking²⁰
 - This statute makes it a federal crime, punishable from five years to life in prison, to travel across state, tribal or international lines to stalk or cyberstalk (i.e. to place a person under surveillance including through the use of regular mail, e-mail, or the Internet) with the intent to kill, injure, harass, or intimidate the victim and the offender either: causes the victim to reasonably fear death or serious bodily injury to oneself, an immediate family member, a spouse, an intimate partner, or a specified animal such as a pet, service animal, or horse; or reasonably causes the victim to suffer substantial emotional distress.
- 6) 18 U.S.C.A. § 2261B Enhanced Penalty for Stalkers of Children
 - This statute enhances the penalty for the federal crime of interstate stalking by an additional 5 years to the maximum term of imprisonment otherwise provided if the victim is under the age of 18 years. However, the enhanced penalty does not apply if the offender is not permitted to be sentenced to more than 5 years pursuant to sentencing guidelines and is less than 18 years old, or, the victim is between the ages of 15 and 17 years and the offender is not more than 3 years older than the victim.
- 7) 18 U.S.C. §2262 Interstate Violation of a Protection Order
 - This statute makes it a federal crime, punishable from five years to life in prison, to travel across state, tribal, or international lines with the intent to violate a protection order and to subsequently engage in conduct that violates that order. This statute also makes it a federal crime to make a person travel across state, tribal, or international lines by force, duress, coercion, or fraud and to subsequently engage in conduct that violates a protection order.
- 8) 18 U.S.C. §2265 Full Faith and Credit Given to Protection Orders
 - This federal law mandates nationwide enforcement of orders of protection, including injunctions against harassment and stalking, in states, tribes, and U.S. territories.
- 9) 18 U.S.C.A. § 2265A Repeat Offenders
 - This federal law provides that repeat offenders, i.e. those who have a prior conviction for an enumerated domestic violence or stalking offense, are subject to a maximum prison sentence that is twice the term otherwise provided.
- 10) 18 U.S.C. §922 Federal Domestic Violence Firearm Prohibitions
 - This statute makes it a federal crime, punishable by up to ten years in prison, to ship, transport, receive, or possess, in interstate commerce, foreign commerce, or in affecting commerce, any firearm or ammunition if subject to a specified court order issued on behalf of a spouse or intimate partner or if previously convicted in any state or federal court of a misdemeanor crime of domestic violence.
- 11) 47 U.S.C. §223(a)(1)(C) Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications
 - This statute makes it a federal crime, punishable by up to two years in prison, to use a telephone or other telecommunications device to annoy, abuse, harass, or threaten another person at the called number.

V. PERSONNEL DECISIONS

Hiring decisions and performance reviews should consider the officer's ability to identify and respond to stalking. This includes:

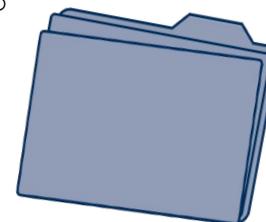
- A history of stalking behaviors should be part of the background check and interview process.
- Hiring and promotion processes should include questions about and investigation into any stalking behaviors on the part of the applicant.
- Promotional exams should include questions about identifying and responding to stalking, to ensure appropriate agency response to stalking.
- Field training officers and supervisors must be able to appropriately evaluate officer response to stalking and correct unsuitable responses.



In addition, any allegations of stalking and/or improper use of agency resources to stalk alleged against an agency member should be taken seriously and concurrently investigated criminally and administratively.

VI. RECORDS SYSTEMS

Agency records systems should enable the tracking of stalking incidents and cases so that locations are flagged and prior or active case information can be made available to dispatchers and responding officers to enable an appropriate response. Record systems should share information quickly with other jurisdictions for cases involving stalking across jurisdictions. Records systems should share information with regional and national data repositories to support the enforcement of protective orders and gun permit certification.



Agency coding systems should enable the collection of data regarding the incidence of stalking in the jurisdiction.

Agencies should coordinate with other criminal justice and governmental agencies to establish a vertical case-numbering system that will allow all agencies responding to stalking cases to use the same number to identify specific stalking cases.

VII. STALKING BY JUSTICE SYSTEM PERSONNEL

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.

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.



In order to ensure no preferential treatment is given in these situations as well as to ensure there is no perception of preferential treatment, agencies should ensure the below.

- 1) 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.
- 2) 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 the responding agency or designee.
- 3) When the stalking suspect is an employee of another law enforcement agency, the lead officer of that agency should be notified of all calls for service, allegations, arrests, and charges by the head of the responding agency or designee.
- 4) When the stalking suspect is an employee, they should be treated as any other suspect of a criminal stalking complaint and the head of this agency should be notified. The criminal investigation should include whether the suspect improperly used any agency resources in their stalking course of conduct.
- 5) When the stalking suspect is an employee, the head of the agency should immediately be notified and the agency should 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.
- 6) When an employee is determined to have engaged in stalking behavior, violated agency policy, improperly used agency resources or their position, and/or engaged in criminal stalking, the agency should enact appropriate consequences up to termination.

VIII. TRAINING AND RESOURCES

Training is a vital part of recognizing and charging stalking, as well as holding stalkers accountable for all of their crimes. Training is necessary at all levels of the agency, from communications officers and initial responders to investigators to supervisors and leaders. All officers should receive ongoing training that specifically addresses the realities, dynamics, and investigation of stalking, as well as legal developments pertaining to stalking. Responders at every level need to recognize that they are accountable to the victim. Field training officers, supervisors, local commanders, and top commanders should all take on leadership roles to ensure early identification of 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.

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. See [SPARC's Law Enforcement Training Guidance](#) for training on the standard operating procedure for responding to stalking and training resources.

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- ¹¹ SPARC provides information on stalking statutes in each U.S. jurisdiction: <https://www.stalkingawareness.org/map>
- ¹² Smith, *supra* note 7.
- ¹³ Mohandie, *supra* note 3.
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