



Challenges with and Recommendations for Intimate Partner Stalking Policy and Practice: a Practitioner Perspective

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Abstract

Informed by the perspectives of two practitioners with over ten years of experience addressing stalking issues and a researcher from the field of violence against women, this paper will highlight the trajectory of the United States' response to intimate partner stalking by first discussing advancements that have been made in stalking laws. This will be followed by the practical challenges that law enforcement and service providers continue to face when encountering this crime, despite this progress. There are four major challenges to addressing intimate partner stalking: a) stalking remains a very misunderstood crime; b) building stalking cases proves challenging; c) service providers may lack the knowledge and/or resources needed to respond to stalking victims effectively; and d) research on stalking is limited. The manuscript concludes with practical recommendations for addressing some of these challenges.

Keywords Intimate partner stalking · Domestic violence · Intimate partner violence · Practitioner perspective · Stalking

Introduction

Stalking is a complex, terrifying and all too often misunderstood crime. Although prevalence rates are quite high – one in six women experience stalking in their lifetime (Black et al. 2011) – stalking is still often misidentified and not properly addressed by the criminal justice system. This crime is most often perpetrated by intimate or former intimate partners and frequently co-occurs with intimate partner violence (Logan and Walker 2010). Stalking may negatively affect a victim's physical, psychological and emotional well-being (Davis et al. 2002) and has been identified as a risk factor for intimate partner homicide (McFarlane et al. 1999).

Informed by the perspectives of two practitioners and a researcher, each with over ten years of experience addressing stalking issues through practice and research in field of

violence against women, this manuscript will provide an overview of the policy and practice challenges associated with addressing intimate partner stalking, along with practical recommendations for addressing them. Rebecca Dreke began working specifically on stalking in 2007, when she was hired to be a trainer and technical assistance provider with the National Center for Victims of Crime's Stalking Resource Center. Prior to that, she worked in direct service/advocacy with domestic violence and sexual assault survivors, as well having done public awareness, training, and technical assistance on these issues with allied service providers. From her direct service experience, Rebecca had a general, conceptual understanding of stalking, but always categorized it, as many direct service providers do, under the long list of behaviors within the category of “power and control” – that general “catch-all” term we use to talk about the ways abusers dominate their victims. In many ways, it makes sense that she would categorize stalking in this way, as partner stalking is often an extension of partner violence. In fact, when she reflects on her work in direct service, she cannot think of a single survivor of domestic violence who did not also experience stalking in some form. In her 10+ years training on stalking-specific issues, she has talked to countless victim service providers who say the same – that stalking is a part of almost every domestic violence case they work on. When these behaviors occur within the context of partner violence, we call them jealous, controlling,

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possessive, “power and control” behaviors because the partners are still together. When that same behavior continues after the victim leaves then we might label it stalking. But in reality, it was stalking while it was occurring within the relationship, we just didn’t label it as such.

Similarly, Jennifer Landhuis remembers early on in her career as a domestic violence advocate she was in a fatality review meeting. Sadly, the group was discussing a young victim who had been killed by her ex-partner. She remembers one of the team members saying, “well, while he was stalking her...” and thinking, *Stalking?! He wasn’t stalking her. He was monitoring her interactions at work, driving by her new apartment, showing up where she played keno, but stalking her?* She realizes now that stalking is exactly what it was. At the time, she just didn’t call it stalking. She chalked it up to part of the power and control that exists in abusive relationships and labeled his behavior as jealous and controlling, but not as stalking.

However, through learning more about stalking, reading the academic research and surveys conducted, working with criminal justice providers, and in hearing from stalking-victim advocates about the extent and lengths stalkers will go to in order to control their victims, both Rebecca and Jennifer began to see and stress the importance of recognizing stalking as a distinct and separate crime. The advantages of doing so extend to both criminal justice professionals and service providers, as well as victims. The benefit to recognizing and addressing stalking, for criminal justice professionals, is that unlike “power and control,” stalking *is* a chargeable offense. It is a way to hold abusers accountable for their actions. For victims and survivors, naming stalking for what it is can help when making reports to police or the courts by identifying it as a crime, and can help service providers find ways to more specifically and adequately safety plan. Moreover, identifying stalking as a crime can help ameliorate, or provide context for, the “crazy making” behaviors offenders engage in, for which victims will often blame themselves. “Crazy making,” also referred to as “gaslighting,” is a form of psychological abuse that includes a range of manipulative behaviors intimate partners engage in to cause victims to question their own feelings, perceptions of the world, or mental stability (Hightower 2017). Examples of such behaviors include challenging a victim’s memory of events, even when the memories are accurate, trivializing a victim’s needs, or denying things previously said to the victim.

One victim Rebecca worked with was desperate for assistance because she kept receiving thousands of dollars in fines and “no-show” fees on a credit card opened in her name. Her stalker, whom she had previously dated, used her social security number to activate a credit card and schedule expensive beauty and spa services using it. These service providers charged hefty penalties for cancellations and no-shows that the victim was getting billed for. A form of economic

exploitation, this is just one example of how stalkers try to maintain control of their victims even after their relationships have ended. Sadly, experiences like this are not out of the ordinary and speak to how diverse and fear inducing stalking behaviors can be.

Recognizing the significant harms associated with stalking and the urgent need for the criminal justice system to intervene, in 1990, the nation’s first anti-stalking law was passed. Since that time, stalking has been outlawed across the United States (U.S.). Although policies have been enacted to hold stalking perpetrators accountable and support victims, there continues to be an uneven implementation of these policies that has posed significant barriers to effectively addressing this complex crime. This paper will highlight the trajectory of the U.S.’ response to stalking by first discussing advancements that have been made in stalking laws, followed by the practical challenges that law enforcement and service providers continue to face when encountering this crime, despite this progress. This paper will end with recommendations for addressing some of these challenges.

Trajectory of Anti-Stalking Policy

One of the greatest successes for activists in the anti-stalking field was the criminalization of this abusive act. Unlike laws protecting victims from domestic violence and sexual assault, the genesis of and impetus to enact stalking laws did not primarily originate from the grassroots-led mobilization of survivors. In fact, it was a series of stalking-related homicides, combined with the significant media attention brought to the issue following the death of a celebrity who was first stalked by her murderer that led to the country’s first stalking law in California in 1990 (Melton 2005). This law was written and advocated for by members of the criminal and legal systems. A municipal court judge wrote the first piece of anti-stalking legislation out of frustration around the inability of the criminal justice system to prevent the murders of several women who were being stalked, despite the fact that they had obtained protection orders against their stalkers. From there, the judge worked with a senator to make stalking a felony within the state (Bromley and Garcia 2010; Mazingo 2014). California’s first stalking law defined perpetrators as:

Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear of death or great bodily injury or to place that person in reasonable fear of the death (Miller 1993, p. 1306).

Many states followed California’s lead in adopting statutes addressing this crime. By the end of 1993, every state and the District of Columbia had criminalized stalking.

Since the establishment of the first law, stalking policies have evolved both in California and across the U.S. In 1993, the National Institute of Justice even released a model stalking

code for states to follow (Tjaden 2009). One of the first elements to be addressed by subsequent state policies was the intent requirement. While California's initial law required proof that the stalker intended to instill fear in the victim, Washington and Michigan added a clause that allowed for presumed intent based on the stalker's course of conduct (Miller 1993). In addition to intent, other specific elements of stalking laws that were refined over time are: a) the definition of "course-of-conduct", b) standard of fear, c) level of fear the victim must experience for the stalker's behavior to be categorized as criminal, d) whether threats are deemed credible, e) the inclusion of stalking behaviors directed at people other than the victim, and f) the severity of the criminal offense (National Center for Victims of Crimes 2007). These elements vary widely by state and can be used to assess the quality of stalking laws in existence (Tjaden 2009).

The criminalization of stalking at the state-level has been further strengthened by federal laws. The Violence Against Women Act (VAWA), passed in 1994 as part of the Violence Crime Control and Law Enforcement Act, made it a federal offense to cross state lines or tribal lands to commit an act of domestic violence or violate a protection order, thereby expanding the scope of domestic violence as a federal crime. Congress strengthened this designation in 1996 through the Interstate Stalking Act, which made it a federal felony to cross state lines or tribal lands to stalk, injure, or harass another person. Subsequent reauthorizations of VAWA provided funding for expanded criminal justice responses and victim service provisions on stalking as well as strengthened penalties for repeat stalking behaviors. It also added cyberstalking into the federal definition of stalking. Indeed, even the Uniform Code of Military Justice includes stalking as a criminal offense under military law. In addition to stalking statutes, many other laws at both the state and federal level address specific stalking behaviors, including cyber bullying, electronic interference, the nonconsensual distribution of intimate images (sometimes known as "revenge porn"), and harassment.

Challenges to Addressing Stalking

Despite more than 20 years of legislation, stalking – particularly intimate partner stalking – remains a challenging phenomenon to address. Stalking is often misidentified, underreported, and rarely charged and prosecuted (Backes et al. 2020). Addressing stalking remains a challenge for the criminal and civil justice systems as well as victim service providers and researchers. In this section, we will discuss four major challenges to addressing stalking: a) stalking remains a very misunderstood crime; b) building stalking cases proves challenging; c) service providers may lack the knowledge and/or resources needed to respond to stalking victims effectively; and d) research on stalking is limited.

Stalking Remains a Very Misunderstood Crime One reason why stalking remains so difficult to address is related to our collective misunderstanding about what it is. Although stalking is illegal across the country, no single definition of stalking exists. Simply stated, stalking can be defined as a pattern of behavior, directed against a certain person, that would cause a reasonable person to feel fear or suffer emotional distress. This pattern of behavior can comprise any two or more actions or behaviors over a set period of time, however short, that evidence a continuity of purpose (Backes et al. 2020).

Stalking behaviors can range but commonly include unwanted contact through phone calls, text messaging, emails and contact via social media, as well as unwanted gifts, approaching the victim or their family/friends, monitoring, surveillance, life invasion, interference in daily lives through sabotage and/or attack, property damage, and threats (Logan and Walker 2017). The individual actions that make up a stalkers' pattern of behavior may not be criminal when examined in isolation. Stalking laws criminalize acts that could, in other contexts, be viewed as non-criminal, or even romanticized, behaviors. Stalking victims may receive messages, gifts, or have interactions with the offender that are fear inducing to them, but seem legal, benign, or innocuous to the outside observer (National Center for Victims of Crimes 2012). For this reason, the reactions that victims may have to stalkers' actions might seem irrational, paranoid, or disproportionate to the incident being reported in the eyes of first responders. Indeed, stalkers sometimes do this intentionally in hopes of discrediting victims. It is only when the outside observer understands the victim's history with their stalker and the meaning behind the stalker's actions within this context that the impact of the stalker's behaviors on the victim can be understood. As an example, if a victim has gone to great lengths to avoid and/or hide her location from her stalker, a simple note or text message can imply that the victim has been found – that fact in and of itself may be fear inducing.

Popular cultural portrayals of romance further complicate our understanding of stalking. Many romantic tropes in movies, songs, and other media sources rely on obsessive and intrusive gestures on the part of the pursuer, underscoring the message that if one is persistent enough, and ignores the protestations of the pursued, they will ultimately win over their love interest in the end. Stalking behaviors then become normalized and confused with overt romantic gestures. As an example, in the popular book "Fifty Shades of Grey" by E. L. James (2011), the wealthy, handsome Christian Grey engages in a range of abusive behaviors that are framed as romantic to court his love interest, Anastasia. Grey frequently shows up unannounced and calls and texts Anastasia repeatedly when she refuses to respond. Yet, this book, which is considered to be a romantic drama, gained so much fanfare that it was later made into a movie. The impact of the social normalization of

stalking in popular culture perpetuates myths around abuse and may prevent victims from properly identifying and reporting their stalking experiences. It also serves as a barrier to their being believed by others (Lippman 2018).

Another significant barrier that many responders, including criminal justice system professionals and victim service providers, encounter when responding to stalking incidents is a lack of sufficient training on stalking (Lynch and Logan 2015; Spence-Diehl and Potocky-Tripodi 2001). Unlike incident-based crimes, stalking is a course-of-conduct crime that requires officers to examine a series of potentially seemingly unrelated incidents in a broader context (Brady and Nobles 2017). Further, officers must learn how to evaluate the presence of behaviors that may not even be illegal when examined in isolation (Logan and Walker 2017). Both of these investigative strategies deviate from traditional police practices and require a stalking-specific knowledge base.

Similarly, victim service providers may lack an understanding of how stalking responses differentiate from those provided to victims of domestic violence. While there is overlap between the two, the crime of stalking carries its own unique risk for re-assault and lethality, and may also be handled differently within the criminal justice system. Therefore, it is important that service providers understand the nuances between the two and are able to incorporate stalking-specific recommendations into the services provided (Logan et al. 2006).

Building Stalking Cases Proves Challenging Building stalking cases proves challenging for law enforcement officers because it requires that investigators demonstrate: a) that there was a pattern of behavior b) that the behavior(s) would cause a reasonable person to feel fear as a result of a perceived or actual threat; and c) that the behavior was unwanted (Logan and Walker 2017). To establish that there is a pattern of behavior, law enforcement must shift from traditional incident-based investigative approaches to looking at stalking as a course-of-conduct crime. For this reason, stalking cases require extensive departmental resource commitments, the development of staff expertise, and the allocation of time for investigation and evidence gathering in order to effectively build a case (Backes et al. 2020).

Often a victim's ability to report stalking behaviors is further complicated by a lack of available evidence. For example, a victim may "know" that her stalker is responsible for slashing her tires, but may not have concrete evidence to prove this. Typically, by the time that victims have reported the stalking behaviors to the police, they have already exhausted a range of counter measures in attempt to stay safe and have found them to be unsuccessful (Klein et al. 2009). For this reason, it is important that responders do not examine each stalking incident as separate and distinct, but rather place these events in the context of a victim's lived experience in order to see the

constellation of behaviors as a broader pattern that causes fear or distress.

Stalking cases are unique in that often officers may need to collaborate with victims as part of the evidence collection process (Brewster 2001; Tarafdar 2006). While they unfortunately burden stalking victims, documentation through tools like Stalking Incident Logs can also serve as a mechanism for evidence preservation, which can help officers build a stalking case in partnership with victims and prosecutors (Stalking Resource Center 2020). This may be necessary particularly in departments that lack the resources or skills to investigate stalking as a course-of-conduct crime. However, victims should not investigate their own cases (Stalking Resource Center 2020) or feel like they have to prove they are really being victimized.

Technology, and the ubiquity of it in our daily lives, provide facile means for stalkers to follow, spy, track, and threaten victims. Stalkers who are technologically savvy may go to great lengths to hide behind technology, making their identity difficult to prove. Some victims report knowing that they are being spied upon but are unsure how it is being done. In one case, a stalker installed a tracking device on a victim's car that was so well hidden that even mechanics could not find it. Evidence collection in technology-facilitated stalking cases can be difficult and may be limited by the investigator's own level of technological skill and knowledge.

The most frequent and common abuse of technology to facilitate stalking involves making phone calls, and the sending of numerous text messages and emails, and/or social media posts sent by a stalker or directed toward a victim. Stalkers can also infiltrate victims' devices or online accounts, either by having previous knowledge of the password or installing spyware software. Others install or use built in tracking software applications to access the GPS on a victim's phone. This allows the stalker to follow the victim and/or monitor their communications. These spy applications are readily available for purchase (often marketed towards parents or employers to monitor behaviors or technology usage) and are easy to install. Often, first responders and service providers do not understand enough about this evolving technology to identify and prove its misuse (Spence-Diehl 2003).

Further, because stalking often co-occurs with other crimes that are more easily identifiable, stalking often goes overlooked during criminal investigations. Intimate partner stalking is the most common, frequent, and dangerous type of stalking (Logan et al. 2007; Palarea et al. 1999). Yet, when stalking is perpetrated by someone well known to the victim, the abuse is often misidentified or considered to be part of an overall pattern of coercive behaviors being perpetrated against that victim. When this occurs, law enforcement officers may miss a potential opportunity to hold the abuser accountable through the utilization of stalking-related criminal charges. In their study, Tjaden and Thoennes (2000) found that out of 285

domestic violence cases reported to police that showed evidence of stalking, stalking was only charged in 1 case. Similarly, Brady and Nobles (2017) found that of the 3756 stalking calls for service one police department received over an eight-year period, only 66 resulted in stalking-related incident reports with 12 arrests made. For those cases in which a crime of stalking is charged, the most frequent disposition is a dismissal and only approximately 29% to 54% result in conviction (Jordan et al. 2003; Tjaden and Thoennes 1998).

In addition to intimate partner violence, stalking can also co-occur with sexual assault. One study showed that one-third of women who were stalked by a partner were also sexually abused by that same person (Logan and Cole 2011). Some victims of sexual assault may not report the violence due to intimidation and stalking behaviors by the assailant or because they merely were never explicitly asked about other forms of violence they may have experienced.

Jurisdictional issues pose additional challenges during the investigation of stalking cases. When offenders perpetrate stalking behaviors across multiple jurisdictions, it often becomes more challenging for law enforcement to prove these behavioral patterns (National Center for Victims of Crimes 2012; Storey and Hart 2011). While some jurisdictional issues have improved as a result of computer-based police record systems, challenges continue to exist. For example, sometimes a stalker may use spyware to track a victim from their home in one jurisdiction to work in another, or a stalker may continue their abusive behaviors despite the fact that the victim has moved from one jurisdiction to another (Klein et al. 2009). These are frequent issues that investigators encounter that make documenting stalking patterns more difficult and may lead to confusion over which agency should handle the investigation. If the stalker crosses state lines in the commission of the crime, these jurisdictional issues are further complicated due to the fact that the commission of an interstate crime is an offense under federal law.

Finally, law enforcement must prove that the behaviors engaged in by the stalker caused the victim to feel fearful and that a reasonable person in the same situation would feel similarly. Many statutes include a “reasonable person” objective standard for determining whether the behaviors of concern constitute stalking. The “reasonable person” standard demands an examination of the stalking behavior from an “ordinary” person’s perspective (National Center for Victims of Crimes 2007). It asks, would a reasonable person in similar circumstances be made afraid by this behavior? This standard can help avoid various subjective perceptions of fear, as different people may not be fearful of the same things. Moreover, relying on this standard of fear can help ameliorate the need to rely on the victim’s responses and instead put this behavior in a more standard context. A challenge to this is

that in some instances, a victim may not outwardly express being afraid of their stalker. Expressions of other emotions, such as anger, frustration, and apathy can also “mask” the fear victims experience and be misinterpreted by outsiders. Victims may also minimize the actual risk or danger they are in or may be so inured to an abuser’s actions that they cannot recognize the amount of danger they currently face. Some victims may feel that admitting fear means their stalkers have won, and thus try to remain empowered by acting impervious to the stalkers’ behaviors.

Given the difficult nature of building stalking cases, this crime is rarely charged and prosecuted, even in instances where investigators and prosecutors have all the evidence they need to do so (Klein et al. 2009). Though studies are limited, some research and much anecdotal evidence suggests that prosecutors may feel wary or unsure of the best way to prosecute stalking cases. Prosecutorial hesitance may be in part because they believe they do not have enough direct evidence to pursue stalking charges; therefore, prosecutors may utilize other charges that they perceive as more likely to result in conviction (Logan et al. 2006). Further, our cultural normalization and dismissive attitude towards stalking may lead some prosecutors to be reluctant to try cases, as they imagine juries and judges are ill-informed on the serious nature of stalking and less likely to believe the victim.

Prosecutions and convictions of stalking cases, like domestic violence cases, often heavily rely on victim-based evidence. This type of evidence can be particularly challenging to use in cases involving interpersonal violence because victims may engage with their stalkers in ways that may not be easily understood by outsiders. For instance, some victims may maintain contact with their stalker. Often, they do this for their own protection, as they think the stalker may be less likely to harm them if they are in frequent communication. Some victims negotiate with their stalker, for their safety, or the safety of children or other loved ones. They may go along with the stalker’s demands to see them or maintain contact and do so out of a belief that following the stalkers wishes will keep them safer than trying to ignore or avoid the stalker. A victim may also engage with the stalker to stay informed of the stalker’s “state of mind,” as having this information may help them to better safety plan and be prepared for how best to respond when the stalker changes tactics. Further, if the victim and stalker have children in common, wholesale avoidance may be an impossibility. However, this contact can be misinterpreted and perceived as a sign that a victim actually wishes to receive communications from the stalker. In such instances, investigators and prosecutors should not shy away from prosecution, but rather work to cultivate a narrative that illuminates how the victim’s actions were driven by fear.

Addressing Stalking Remains a Challenge for Victim Service Providers Although many domestic and sexual violence advocates have received some training, or hold some knowledge about stalking, much work is left to be done to ensure stalking victims receive robust services.

Domestic violence service providers, like others, may overlook or misidentify stalking when it occurs within the context of other coercive behaviors in an intimate partner relationship. Sexual assault service providers do not always recognize or address stalking that victims experience as part of their assault. Safety planning and resource provision may not consider nor address the unique concerns of stalking survivors. Unlike domestic and sexual violence, stalking is often not specifically listed as an issue that organizations address. Therefore, it is not included in mission statements and awareness materials, so stalking victims may be unsure where to turn for assistance. Indeed, no national stalking victim serving organization exists in the U.S. as they do for domestic and sexual violence; there is one in England. Successful responses to stalking require a coordinated, community-wide approach that combines victim advocacy with a criminal and civil justice response.

The decision as to whether stalking services should be incorporated into current domestic violence services or offered separately should be based on the resources available within a particular community. A variety of responses to stalking have been implemented in communities with success. In recent years, community initiatives have included enhanced training on stalking for community members, modifying community policies, the establishment of a system for the vertical prosecution of stalking cases, community case assessment teams, stalking-specific support groups, toolkits to guide service providers in their responses, and toolkits to assist victims with evidence collection (Carter 2016; National Center for Victims of Crimes 2012).

Research on Stalking Is Limited Practitioners addressing stalking need more research to support and guide their work, especially those that narrow in on intimate partner stalking dynamics. As Backes et al. (2020) point out, most intimate partner stalking research studies are cross-sectional in nature and tend to be descriptive. Stalking methods have also evolved over the years as technological advancements have been made. Therefore, there is also a need for increased research on technology-facilitated abuse (Kaukinen et al. 2018; Messing et al. 2020).

Recent research on stalking has focused on stalker profiles and typologies, which are not practical or useful for practitioners. Many times, stalkers exhibit characteristics of various profiles, which may generate additional confusion for service providers on how best to move forward. There is also limited evidence to suggest that certain offenders respond better to particular interventions based on typologies. As such, these typologies have limited practical value. Additional research

that examines offender modalities and desistance are needed, as well as the development and evaluation of interventions that are effective at stopping stalking behaviors (Kaukinen et al. 2018).

Victimization experiences are also often overemphasized in studies. More information about victim decision-making around reporting (Reyns and Englebrecht 2014), the exact barriers to reporting that victims face, and the responses they receive from formal and informal sources of help are needed. Studies trying to measure stalking are also varied and quite reliant on victim experiences. Victims do not always identify these experiences as stalking and, as a result, victim prevalence studies may not adequately be capturing stalking victimization. The ability to compare findings across studies is also hindered by the different terms researchers use to describe stalking (such as obsessive pursuit or relational obsession) and the varying ways in which stalking is operationalized (Kaukinen et al. 2018; Owens 2016).

Discussion

Despite vast improvements in stalking laws over the past thirty years, law enforcement, service providers, and researchers have continued to struggle with addressing this crime, particularly because: a) stalking remains a very misunderstood crime; b) building stalking cases proves challenging; c) service providers may lack the knowledge and/or resources needed to respond to stalking victims effectively; and d) research on stalking is limited. One barrier to addressing all of these areas is that the stalking work of law enforcement, service providers, and researchers has generally been siloed. As such, there is a need for these professionals to come together in order to effectively respond to this crime.

Stalking Remains a Very Misunderstood Crime To begin to address the gaps within the stalking field, there is a need to increase communication and the transfer of knowledge across professional boundaries. This can be achieved by promoting training, ensuring interdisciplinary collaboration, and fostering communication throughout the criminal justice system and other stalking service providers (Backes et al. 2020). Overall, the investigative strategies law enforcement need to build stalking cases are no different than the strategies used for other crimes, officers may just need to be trained on how to apply their skills to interpersonal course-of-conduct cases. Professional trainings should be used to educate all involved parties on the nature of stalking crimes, how to evaluate the stalkers' behavior in light of a subjective context, and about what resources to recommend to victims (Logan et al. 2006). For communities that lack resources, electronic trainings are available through a range of resources such as the Stalking Prevention and Advocacy Resource Center (SPARC),

National Network to End Domestic Violence (NNEDV), and SEARCH.

Collaborative trainings between prosecutors and police officers are also beneficial for all involved parties. Law enforcement officers often find it useful to receive training from prosecutors around the different stalking-related statutes that exist within their state, as well as clarify changes in policy that may have emerged. In addition, prosecutors can help officers to better understand what evidence is needed to prove that a crime was committed based on the elements of a particular charge. Further, prosecutors can clarify the types of direct and circumstantial evidence that can be useful for building stalking cases.

Building Stalking Cases Proves Challenging Another complaint police officers sometimes have is that they spend time trying to build a stalking case only to find that their prosecutors are not prioritizing this type of crime or are pleading stalking charges down. As such, cross-communication and trainings provide police officers with opportunities to communicate patterns of violence that they see amongst offenders and emphasize the need for these offenders to be prosecuted more aggressively.

Additionally, law enforcement should continue to find ways to promote interdisciplinary collaborations that can potentially support victims. Not only do the services offered by domestic violence organizations provide victims with an opportunity to attend to the psychological impact of the stalking, some research suggests that victims who receive advocacy services may be more likely to participate in the criminal justice process (DePrince et al. 2012). The civil and criminal justice systems can also work together to protect victims. For example, stalkers sometimes use these systems to further harass victims (e.g. through the filing of frivolous complaints). This can deter victims from participating in court proceedings. However, to remedy this, the civil court could suspend hearings or find strategies to keep both parties separated. Similarly, if the prosecution learns that a stalker is using the legal system as a mechanism for exerting control over a victim, they could add this criminal behavior to a complaint to hold the offender accountable.

In addition to the sharing of information and knowledge across professional boundaries, there is also a need for law enforcement to communicate across jurisdictions. While the transmission of information has become easier through the use of computer-based records systems, police officers are sometimes uncertain about when it is appropriate to share information with law enforcement from outside communities. Multijurisdictional and departmental sharing agreements are ways agencies can work together to hold offenders accountable in stalking cases.

A benefit of multijurisdictional collaborations is that all involved parties may have the opportunity to share resources

and obtain access to technologies that would not otherwise be available. Given advancements in technology, data sharing may require that collaborating police departments utilize the same data management platform or a data sharing tool that allows departments to search data across jurisdictions (La Vigne et al. 2017). Further, departments may be able to share technologies that facilitate data collection. For example, in instances where municipalities or counties may not have the resources needed to utilize advanced technological systems for data collection (e.g. devices that extract data from cell phones), county, state or federal law enforcement agencies may have them available for use.

Law enforcement and prosecutors can improve their response to stalking by shifting traditional prosecutorial models to more victim-sensitive approaches, along with evidence-based models of investigation and prosecution. Victims may have reservations about actively participating in the prosecution of their stalker for a range of reasons. Indeed, the legal system may inadvertently provide opportunities for the stalker to continue their stalking behavior (e.g. in-court appearances that bring the victim and stalker together). In response to this, several prosecution models have emerged – one of which is evidence-based prosecution. There has been some debate in the field about the use of evidence-based prosecution versus victim-centered prosecution. When implemented properly, evidence-based prosecution takes the burden off of victims to engage in the criminal justice process. Further, prosecutors can still incorporate trauma-informed and victim-centered practices and should be sensitive to victim safety needs at all phases of the prosecution process.

As part of an evidence-based prosecution model, investigators build a case using all available evidence, such as physical evidence of the stalking (e.g. photos, digital evidence like text messages), and interviews with witnesses. As such, this evidence may include victim testimony, but victim participation is not necessary for a case to move forward (National District Attorneys Association 2017). Prosecutors have also used other legal avenues for holding the offender accountable including forfeiture by wrongdoing, permissible hearsay, requests for bail/bond denials, and bench orders for protection, depending on the nature of the case.

One motivating factor for the implementation of this model is that it defines domestic violence as a “crime against the state” consistent with other crimes and communicates that domestic violence will not be tolerated (Nichols 2014). It also emerged in response to victim concerns about moving forward with prosecuting their abusers and a desire to drop charges. In some instances, prosecutors have moved forward with pursuing charges because they recognized that the stalker was not only a threat to the victim, but to other individuals in the victims life like family members, friends, and co-workers as well.

In comparison, survivor-defined prosecution models incorporate victim choice into decision-making around whether a case should move forward and incorporates values of empowerment and survivor agency (Nichols 2014). However, the reality is that less than half of stalking cases are not reported to the police (Baum et al. 2009) and typically by the time victims have reported incidents to the police it is because the victim has been unsuccessful at getting the abuse to stop through other means (Klein et al. 2009). Therefore, criminal justice intervention may be the only mechanism for stopping the stalking, even if the victim prefers not to participate in the criminal justice process.

As part of the process for building cases, both law enforcement and service providers can also educate victims on how they can help with the gathering of evidence through the logging of incidents. Law enforcement officers have reported that incident logging is useful for building cases (Lynch and Logan 2015). For example, officers can show victims how to capture text messages and emails in ways that will be useful to their case and admissible in court. Through the development of collaborative relationships with victims and by providing victims with the tools needed to document their experiences, law enforcement can potentially shift the process from isolating to empowering. Further, as part of evidence-based prosecution law enforcement should also explore new technologies that support data collection and retention.

Law enforcement and policy makers can improve systemic responses to stalking by strengthening the laws themselves. Often, one reason why members of the criminal justice system do not pursue stalking charges is because they do not have a good grasp on how to use them. From a practical standpoint, if it is too difficult for prosecutors to use stalking statutes they should advocate for these policies to be amended. Common elements of stalking statutes include: a) a course of conduct, b) the intent of the stalker, c) the fear experienced by the victim, and d) the use of threats. However, states vary in the ways in which they frame each of these elements. As an example, some states use the requirement of specific intent whereas others use general intent. Under the specific intent requirement, prosecutors must prove that stalkers engaged in a course of conduct with a specific intention (e.g. causing fear). It can be difficult to gather evidence that can specifically prove this intent though. As such, a general intent requirement is more practical because it requires that the stalker intended to engage in the course of conduct, regardless of the specific intention behind it. Another example is the inclusion of the requirement of threats as part of the stalking statute. Many stalkers never explicitly threaten their victims. Rather, they engage in a pattern of innocuous behaviors that are only threatening in the context of the relationship; thus including the requirement of threat is thereby limiting.

Many statutes include a reasonable person objective standard for fear when determining whether the behaviors of

concern constitute stalking; however, this is not uniform across all states. The “reasonable person” standard demands an examination of the stalking behavior from an “ordinary” person’s perspective. This standard can help avoid various subjective perceptions of fear, as different people may not be fearful of the same things. As an example, in Alaska stalking in the second degree involves “a course of conduct that recklessly places another person in fear of death or physical injury” (AS 11.41.260 & .270). Therefore, as part of the prosecution the stalking victim must testify that they had a fear of death or physical injury in order for prosecutors to prove the elements of the case. This places an unnecessary burden on victims as it requires them to participate in the prosecution (National Center for Victims of Crimes 2007). Moreover, relying on this standard of fear can help ameliorate the need to rely on the victim’s responses and instead put their behavior in a more standard context. Because cultural responses to fear may differ, it is also important to ensure that the reasonable person standard is representative of all people rather than one traditional person. Focusing on how the victim has changed their routine and actions, in response to the stalker’s actions, can help demonstrate fear.

In addition, in some states stalking statutes are incomplete. For example, they may exclude some stalking behaviors like cyberstalking. In such instances it would make sense for a prosecutor to use a different charge if the behavior the victim is experiencing is not covered by state stalking laws, but it also may be worth it for those jurisdictions to consider advocating for an amendment to the law. While prosecutors may be able to charge a different criminal offense, there are benefits to identifying stalking as a separate and distinct crime. Most importantly, charging and prosecuting stalking crimes may provide opportunities for better offender accountability. For example, stalking charges may allow prosecutors to bring in historical evidence that may otherwise not be admissible as part of the prosecution of an incident-based crime.

Cultural sensitivity is also very important for officers investigating stalking cases. For one, expressions of fear manifest differently across victims. Stereotypical perceptions of fear often evoke images of a white, straight woman cowering in fear and afraid to leave the house – an image that often elicits sympathy from helping professionals and prompts a desire to protect the victim. However, not all victims express fear in this way. For example, fear can sometimes manifest as anger and law enforcement may not respond well to working with angry victims. Further, if the angry victim is a woman of color, service providers may make stereotypical assumptions about the victim rather than recognize the anger as a normal response to the violence that has been experienced. Across all victims, reporting stalking typically does not result in an immediate remedy. As such, expressions of anger or frustration are reasonable, considering that the stalking behaviors have likely been ongoing and the victim is reaching out for help

because they have been unable to stop the stalker. For this reason, it is particularly important for law enforcement to be sensitive to the varied types of responses victims of stalking may present with and work to build rapport and gain victim cooperation.

Service providers must also recognize that there may also be a cultural element to how the victim perceives and experiences stalking and must be sensitive to that. For instance, in some communities, like LGBTQ+ communities, many people initially meet romantic partners online. If a LGBTQ+ person is stalked, service providers and law enforcement often tell that victim to get offline, which may seem like reasonable suggestion for safety purposes, but may have the effect of further isolating that individual. Other victims, particularly male victims of stalking, may be reluctant to even report or admit to being stalked, given cultural constructions of masculinity and the denial of fear. Even in instances where law enforcement are not able to move forward with charging in a stalking case, they should have an awareness of other resources available to victims so that they can seek remedy and help somewhere else.

This also speaks to why trauma-informed interviewing skills are necessary when investigating stalking cases. It is important that investigators ask questions that help to better understand the relationship history between the victim and stalker, prior stalking incidents that have occurred, and how these behaviors are making the victim feel. Victims may not come straight out to law enforcement and admit to being afraid. Therefore, it is important investigators ask questions that elicit information about how the stalking behaviors have impacted the victim's life. For example, interview questions may center around behavioral changes the victim has made since the stalking began – whether the victim has purposefully changed their routine to avoid the stalker, what safety measures that the victim has put into place for their house, children, pets, and themselves, and how the victim's life has changed overall. These changes in behavior would suggest that the victim is taking safety precautions as a result of fear. Similarly, investigators should ask direct questions about the emotional impact of the stalking and how they have been addressing it. For example, interview questions could inquire as to whom the victim has told about the stalking behaviors and whom the victim has tried to seek help from.

Further, prior misconceptions around intimate partner stalking may cause members of the criminal justice system to assume that if a victim is not ceasing all contact with her stalker, then they must not truly be afraid. Victims may not feel comfortable being forthcoming about any contact they have had with their stalker out of fear that the case may not move forward. Thus, it is important for police and prosecutors to develop a positive rapport with the victims they are working with so that they can get a sense of the context in which the victim is operating. Asking direct questions about why the

victim may feel that ceasing all communication with the stalker may put them in greater danger can help law enforcement to better understand the victims' circumstances, as well as what they believe the stalker may be capable of. For example, a victim may feel that it is safer to answer the stalker's phone calls every night because otherwise the stalker will show up at the door instead. If prosecutors are aware that the victim has been in communication with the stalker, they can be thoughtful about how to articulate that in the context of a criminal case.

Addressing Stalking Remains a Challenge for Victim Service Providers Direct service providers may feel ill equipped to assist a stalking survivor, as they may not know much about stalking, or know what victim resources even exist in their communities. Numerous helplines and support groups for domestic violence and sexual assault exist in many state and local communities, but there is often little available specifically related to stalking. While some agencies have received training through national programs like the Stalking Prevention, Awareness, and Resource Center (SPARC), many still struggle with finding ways to improve their responses. As Bromley and Garcia (2010) explain:

Despite the availability of stalking training for criminal justice practitioners and victim advocates in many jurisdictions, some jurisdictions cannot afford the training or have not made such training a priority. Even when professionals are trained, high turnover rates in first-responder positions (patrol officers, crisis line workers) often leave many professionals uneducated about the crime and the seriousness of stalking, and stalking victims with little information and little recourse. (p. 909).

However, comprehensive training alone is not enough to adequately support victims of stalking.

Assisting victims in correctly identifying what is happening is an important step. Make information about intimate partner stalking easily available on any agency websites, resource pamphlets, and other materials. When victims report their abuser being jealous and/or controlling, ask how that manifests to see if stalking is part of what is occurring. Labeling it correctly might be an important first step to addressing stalking. Because of the complexity of stalking cases, it is necessary that community-based organizations and victim service agencies develop a multidisciplinary approach to better ensure victims' physical and emotional safety needs met. As stalkers often vary the tactics they use to target victims, risk assessments and safety planning are vital components of an ongoing response to stalking crimes. As stalkers change their tactics, victims must learn and receive assistance on how to best respond and keep themselves safe. Any safety plans must be dynamic and responsive to the victim's emerging needs that will evolve as the stalker's behaviors change. Advocates and other providers can download and learn best practices for

safety planning with stalking victims (for example, through SPARC), and make tools like documentation logs available (and instruct victims on how to use them).

Research on Stalking Is Limited Finally, researchers can play a significant role in filling current gaps in our understanding of stalking and how to address it. While there is a growing body of literature focused around the issue of intimate partner stalking, it has been limited by many of the same methodological challenges that violence against women scholars often face. These include variations in the measurement of stalking, including how stalking is defined, and the lack of resources available to conduct longitudinal studies with larger sample sizes (Backes et al. 2020; Kaukinen et al. 2018). Although studies have gathered demographic information about victims of intimate partner stalking and a basic understanding of victims' experiences, far less is known about the offenders of these crimes. Much of the research that is available on perpetrators of stalking come in the form of offender profiles. While offender profiles are interesting, they can be confusing – some offenders may fit multiple typologies. These typologies are perhaps more useful in stranger stalking cases, but intimate stalking cases make up the vast majority of stalking crimes.

Responders would benefit from research that addresses best practices for law enforcement and service provider responses. While several best practice guides have been produced in the grey literature (e.g. Stalking Resource Center 2020; National District Attorneys Association 2017), service providers would benefit from concrete information about how communities navigate stalking investigations in terms of what services are provided and advice is given to victims, along with whether this information is actually effective at preventing stalking incidents or criminal justice outcomes (Kaukinen et al. 2018). Law enforcement would also benefit from information on thought processes for using one charge over another or what the decision making hierarchy of other law enforcement has been when investigating stalking cases. As Backes et al. (2020) point out, there is also a need for research that examines how to tailor stalking interventions to unique populations and communities. Research that speaks directly to criminal justice processes and results in practical implications is what responders have found to be most useful.

Conclusion

While the identification of and response to stalking has improved throughout the last few decades, criminal justice system professionals, victim services providers, and researchers can all take concrete steps to improve recognition and study of stalking incidents, enhance responses to victims using a trauma-informed approach, and provide for better public safety and offender accountability. Better recognition of the crime,

especially when it occurs within the context of intimate partner violence, is needed, and training specifically on the dynamics of intimate partner stalking, the neurobiology of trauma as it pertains to victim responses, and typical offender behaviors is one important step to increasing this recognition and identification. Specific training on stalking dynamics should be provided not just for criminal justice system professionals and victim service providers, but all members of any community multidisciplinary response team that addresses interpersonal violence (such as Domestic Violence High Risk Teams and Sexual Assault Response Teams).

No one entity can address all of the varied needs a stalking victim may have but coordinated efforts promote a more thorough and comprehensive response. The need for multidisciplinary responses to this crime is paramount to victims' safety as well as accountability for offenders. We have already increased our ability to work collaboratively on the issues of domestic and sexual violence, and it is an easy shift of mindset and resources to also address stalking in the same manner. If we fail to recognize it, and to name it as stalking, then we also fail to develop adequate responses. Victim service providers likewise benefit from additional training to increase understanding of stalking, particularly within the context of domestic violence, and with an attention to the different cultural aspects of stalking within specific communities. These providers can then work with victims to give victims the language they need by naming stalking behaviors as such, which allows for an increased ability to report these behaviors as crimes as well as in increased opportunity to safety plan around the stalking behaviors.

Criminal justice professionals can expand on the already important work being done on responding to intimate partner violence and widen the lens to include stalking. Overcoming jurisdictional challenges, shifting from incident-based to course-of-conduct based analysis in investigations, and building intimate partner stalking cases in a serious manner, as a mechanism to enhance public safety, are all ways police and prosecutors can improve their responses to the crime of stalking. Similarly, researchers have the opportunity to enhance the ability of all practitioner's approach to addressing stalking. More research is needed to better understand what can best deter offender behavior and as well as what enhances victim safety. Victims of stalking deserve our attention and will greatly benefit from our enhanced ability to identify and respond to the crime of stalking.

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