Stalking

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The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Considerations Document**: Offered as an alternative to the bright-line directives found in a Model Policy. Instead of providing exact policy language, the Considerations Document outlines items that agencies should address and provides options that agencies should examine when developing their own policies on the topic.

- **Concepts & Issues Paper**: Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.
Stalking

I. PURPOSE

This document is intended to provide agencies with items for consideration when developing their policies and procedures regarding stalking. It provides agencies with information on the scope and nature of stalking, its primary characteristics, and measures that can be taken to assist victims and identify perpetrators. Law enforcement has a responsibility to thoroughly document and investigate instances of stalking and help victims of stalking be and feel safe. While recognizing that the majority of stalking behaviors occur in intimate partner relationships, elements of this document are also applicable to different types of stalking relationships.

II. POLICY

Agencies should develop a policy statement that briefly and concisely explains the agency’s policy on response to stalking.

Sample: It is the policy of this agency to respond to and investigate reports of stalking by encouraging proactive policing to assist in victim safety, conducting assessments, collecting evidence and documenting information, and providing employees with specialized training.

III. DEFINITION

Stalking: a persistent course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking tactics may or may not be criminal on their own, but as part of a pattern of behavior1 become criminal in nature. Tactics may include but are not limited to the following:

- Unwanted contact including phone calls, texts, and contact via social media;
- Unwanted gifts;
- Showing up/approaching an individual or their family/friends;
- Monitoring and surveillance;
- Property damage;
- Threats.2

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1 Typically, a pattern of behavior consists of two or more incidents, but agencies should consult their jurisdiction’s definition of stalking, as legal definitions vary.
Internal or Former Intimate Partner Stalking: occurs when the stalker and the victim have an intimate relationship; they may be married, divorced, current cohabitants, former cohabitants, current sexual partners, or former sexual partners.

Acquaintance Stalking: occurs when the stalker and victim know each other casually. This can be through formal or informal contact. Examples can include coworkers, neighbors, or friends of friends.

Stranger Stalking: occurs when the victim and the stalker do not know each other in any capacity. This includes celebrity or public figure stalking.3

IV. PROCEDURES

A. Law Enforcement Response

Agencies should develop policies and procedures for responding to potential instances of stalking. This may include:

1. Initial Law Enforcement Response
   a. Determine what types of evidence and statements should be collected.
   b. Encourage responding officers to
      i. Be aware that seemingly innocuous behaviors may inspire fear and are cause for concern in the context of the victim’s relationship to the potential stalker,4
      ii. Be alert to a pattern of behavior,
      iii. Be cognizant of the potential for violence,
      iv. Identify if the subject is known or has had encounters with authorities in other jurisdictions,
      v. Be aware of the multiple stalking methods suspects may employ.
   c. Work with other jurisdictions to enhance the coordination of services in combating stalking.

2. Evidence Collection5 – Agencies should develop policies and procedures specifically related to evidence collection in situations where stalking has occurred. In addition to standard information gathering and evidence collection procedures, agencies should have policies and procedures for officers regarding these actions:
   a. Conducting interviews with victims and witnesses focusing on stalking-specific questions;
   b. Documenting any evidence that demonstrates a course of conduct or pattern of behavior, such as letters, text messages, social media, direct messages, gifts, e-mail records, voicemails, property damage, nonconsensual dissemination of images, and threats;6
   c. Collecting any evidence that may be relevant for obtaining a search warrant for the suspect;
   d. Identifying and collecting other evidence as available, such as security videos from offices or stores frequented by the victim and/or evidence of vandalism of the victim’s property;
   e. Encouraging victims to preserve evidence for potential prosecution, such as logbooks, diaries, telephone recordings, text messages, snapchats, social media activity dates and times of sightings, actions of the suspect, and other records.

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4 SPARC, “Stalking Information: Definition & FAQs.”
5 For more information, see the Policy Center documents on Evidence Control at https://www.theiacp.org/resources/policy-center-resource/evidence-control.
3. Law Enforcement Ongoing Intervention – When developing procedures for ongoing law enforcement interventions, agencies should do the following:
   a. Instruct officers to
      i. Take immediate action following violations of protection orders against the victim,
      ii. Create a safety plan with the victim,
      iii. Make direct warning contact with the suspect,\(^7\)
      iv. Use surveillance technology where possible, such as mobile tracking devices, fixed surveillance cameras, and call tracing to monitor suspect activities. Agencies should ensure all appropriate legal protections are adhered to before utilizing this technology.
   b. initiate involuntary commitment, if applicable and if circumstances indicate the individual meets the legal requirements for involuntary committal.
   c. be aware of other criminal behaviors that may be applicable and make arrests where appropriate.
   d. assist victims in recognizing and preserving evidence for potential prosecution.

B. Assessment

   Agencies should establish policies and procedures for conducting a standardized and validated assessment, including considering the types of assessments and which are best suited to a stalking incident for the safety of officers and the victim(s). A thorough assessment may also include obtaining information about the victim’s support system.

   1. Types of assessments may include:
      e. Stalking Harassment and Risk Profile (SHARP) assessments,\(^8\)
      f. Threat assessments,
      g. Lethality assessments,
      h. Risk assessments,
      i. Intimate partner violence assessments, such as the Domestic Violence assessment.\(^9\)

   2. Agency personnel should be aware of the connection between stalking and intimate partner violence and/or homicide.

   3. The assessment should consider whether the suspect has access to firearms and/or other weapons.

   4. The assessments should be conducted in association with a victim advocate, if available.

   5. A safety plan should be developed with the victim following an assessment.

   6. Ongoing relationships should be developed and established with local resources, such as community partners and/or direct service providers.

C. Victim Assistance\(^10\)

   Officers should follow their agencies’ policies and procedures related to response to victims. In addition, agencies should determine additional procedures to be followed when officers are interacting with stalking victims, with or

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\(^7\) This approach is particularly appropriate where the suspect has had a prior relationship with the victim and harassing or stalking behavior has not reached the threshold for establishing a violation of law. This approach should not be taken if there is reasonable suspicion that the suspect has mental health concerns. For more information on interacting with suspects who have mental health concerns, see the accompanying Concepts & Issues Paper.

\(^8\) For more information, see the Stalking Prevention, Awareness, and Resource Center website at https://www.stalkingawareness.org/sharp/.

\(^9\) For more information, see IACP’s Domestic Violence Assessment available at https://www.theiacp.org/resources/training-key/653-domestic-violence-risk-assessment.

\(^10\) For more information regarding victims’ rights, see IACP Policy Center documents on Response to Victims of Crime available at https://www.theiacp.org/resources/policy-center-resource/victims.
without the involvement of victim services providers. This may include providing the victim with information and/or guidance regarding safety planning. As part of safety planning, victims are encouraged to do the following:

1. Consider obtaining a restraining order or civil protection order;
2. Change routines for work and activities where the suspect has been encountered;
3. Let others know about the crime, such as coworkers, home or work security staff, family and friends, and/or the victim’s school;
4. Provide a photo of the suspect to law enforcement and other persons who can provide support and safety, while respecting the wishes of the victim;
5. Receive guidance regarding what to do if they encounter the suspect;
6. Take immediate physical safety precautions;
7. Reach out to community support organizations for assistance.

D. Supervisory Responsibilities

Agencies should develop policies and procedures for supervisors to ensure that incidents of stalking receive appropriate oversight and response. For example, supervisors should be aware of local laws and regulations of what constitutes stalking and may monitor reports for proper coding and documentation for patterns or behaviors that may indicate stalking. Supervisors should also be aware of and collaborate with local resources.

E. Training

All employees should receive initial and annual refresher training regarding the elements of stalking. Employees should also be aware of local laws and regulations regarding stalking. Periodic training should also be provided regarding victim resources and communication.
Stalking

I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the Considerations Document on Stalking published by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide a greater understanding of the recommendations and guidance provided in the Considerations Document. This material may be of value to law enforcement executives in their efforts to develop their own policies that meet the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Stalking is generally understood to be a persistent course of action or conduct directed at a specific person that would cause a reasonable individual to be afraid. Stalking can have a devastating emotional impact on the victim and, in some instances, may escalate to physical violence. Unlike most crimes, stalking cannot be defined by a single act, but rather is comprised of a pattern\(^1\) of potential behaviors that collectively and repetitively cause victims to fear for themselves or someone they care about. These acts, taken individually, might not be criminal in themselves, but in combination or as a pattern of behavior, may become criminal in nature. The perpetrator may, among other things, engage in the following:

- Unwanted contact including phone calls, texts, and contact via social media;
- Unwanted gifts;
- Showing up/approaching an individual or their family/friends;
- Monitoring and surveillance;
- Property damage;
- Threats.\(^2\)

\(^1\) Typically, a pattern of behavior consists of two or more incidents, but agencies should consult their jurisdiction’s definition of stalking.

The primary focus of law enforcement response to stalking should be to protect the victim through early intervention, take harassing behavior seriously, investigate the incident thoroughly, and engage all relevant elements of the criminal justice system and the community.

Stalking can have a heavy emotional and financial impact on the victim. For example, one study concluded that the “psychological, social, and financial consequences that stalking can create for victims are just as calamitous as that of other personal injury crimes.” The devastating psychological effects that stalking can have on a victim often continue even after the threat or actions have stopped. Some victims of stalking report experiencing higher levels of traumatic stress, excessive fear, and anxiety. Additionally, 46 percent of stalking victims fear not knowing what will happen next, and 1 in 7 stalking victims move as a result of their victimization.

Additionally, stalking often co-occurs with violence, especially intimate partner violence, and can increase the risk of homicide, physical assault, and property damage. Stalking is a key indicator for future potential serious harm; one study found obsessive behavior by the perpetrator, including stalking behaviors, were involved in 46 percent of homicides in one locality. Another study found that women who reported their partner had followed or spied on them were more than twice as likely to experience an attempted or actual homicide by that partner. The majority of victims are stalked by someone they know, such as a current or former intimate partner, and the most frequent perpetrators of sexual violence are intimate partners and acquaintances. There have also been instances of stalking in which the victim had minimal contact with the stalker, a professional relationship, or no relationship at all. For example, healthcare professionals, colleagues, educators, and counselors have been identified as vulnerable to stalkers. In one study, 1 in 7 psychologists report being stalked by a patient or client.

Some research indicates that victims report less than half of all stalking incidents to law enforcement. Victims may fear that the stalker’s behavior does not rise to the level of a crime, that reporting may increase the chance of the stalker becoming more dangerous, or that the danger they feel may be perceived differently by someone else. When law enforcement responds promptly and effectively to reports of stalking, victim reporting rates can improve. Response to stalking reports should include documenting the incident and talking to or warning the perpetrator against continued action. In addition, agencies should work with victims and victim advocates to successfully stop the behavior or prosecute the stalker.

II. Procedures

A. Initial Law Enforcement Response

It is important that officers who receive stalking reports, particularly in domestic situations, attempt to quickly gain as much information as possible about the suspect and the circumstances surrounding the incidents in order to develop a sense of the potential threat involved. Law enforcement should review any type of reported harassing behavior with the complainant for signs of possible stalking. Officers should determine whether the suspect has ever

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6 Smith, M., K. Szymanska, and S. Haile, Exploring the Relationship between Stalking and Homicide, University of Gloucestershire.
7 Ibid.
had contact with law enforcement or had other complaints filed against them. When responding to domestic violence calls in particular, attempt to determine whether the suspect has engaged in any of the stalking acts previously cited. Additional information of value includes these concerns:

- Prior threats or history of violence against the victim,
- Actual pursuit of the victim,
- Suspect’s:
  - Tendency toward emotional outbursts,
  - Substance abuse problems,
  - Mental health concerns,
  - Possession of or fascination with firearms or other weapons.
- A history of filed protection orders,
- Unsolicited phone calls or e-mails,

Since stalking is a pattern of behavior(s), even minor violations, if taken collectively, can point to a real or potential stalking case. Officers should be aware that seemingly innocuous behaviors may inspire fear and are cause for concern in the context of the victim’s relationship to the potential stalker. Harassing phone calls or e-mails, for example, may be considered low-priority offenses. However, when considered in the context of the victim’s fear and perceived danger, as well as other harassing or threatening behaviors, these acts may point to a pattern, or a developing pattern, of behavior that could be far more serious.

Most statutes require proof of the victim’s fear as created by the stalker in order to make a case. Therefore, actions taken by the victim, such as changing residences or phone numbers; telling friends and family; contacting law enforcement; and purchasing security systems and/or weapons for self-protection can provide evidence necessary to establish a sufficient level of fear.

Officers should also be aware that stalking suspects may use a variety of tactics or methods. In some cases, they may engage in third-party stalking by engaging with family and friends or use technology or social media to stalk. These types of behaviors should still be recognized as stalking.

Officers and investigators should demonstrate concern for victims of stalking, particularly in view of the intimidation and fear typically experienced. Victims should be reassured that the agency takes stalking and related behaviors very seriously. Officers should also determine whether the victim has a reasonable support system, such as close friends, family, or neighbors. It is not uncommon for stalking victims to change jobs or residences. This may reduce their circle of friends and acquaintances and isolate them from others who could otherwise serve as confidants, guardians, and/or reporters. Victims who lack such counsel may be more fearful and, because of that fact, be regarded by a stalker as easier to manipulate and victimize. At the same time, the victim may feel guilty that they may have put others in jeopardy. Officers should make a concerted effort to explore these possibilities in order to gain a better view of the potential for victimization in general and the threat in particular. It would also reassure the victim that law enforcement can be relied on to provide assistance.

In documenting the scope of stalking incidents and harassing behaviors, officers should establish the victim’s work schedule and other routines. Many people work in one locale, live in another, attend church or school in yet another jurisdiction, and visit family and friends across county or even state lines. Therefore, a stalker may be known to authorities in one jurisdiction but not in another. Coordination with and sharing of information between these jurisdictions is important to case development and, as may assist in prosecution. To this end, agencies should consider

forming partnerships, such as MOUs, with other agencies to enhance the coordination of services in combatting stalking.

B. Evidence Collection\(^{15}\)

If stalking is suspected by officers, they should make a number of inquiries of the victim to clarify the situation. This should include gathering any information that would describe the suspect, such as vehicle description, residence, place of work, and related information. Additionally, officers should document any evidence that corroborates stalking behavior such as letters, text messages, social media, direct messages, gifts, e-mails, voicemails, property damage, nonconsensual dissemination of images, victim logs or diary entries of the suspect, threats, and related evidence that can materially demonstrate harassing or stalking behavior.\(^{16}\) When appropriate, items should be held as evidence or the victim should be requested to keep them in a safe, undisturbed location.

If officers are able to secure a search warrant for the suspect’s residence, vehicle, and/or workplace they should be aware of the following types of evidence that may corroborate a stalking claim:

- Video surveillance or photographs of the victim;
- Drawings or other documentation of the victim’s home or workplace;
- Writings, logs, journal entries, and computer entries regarding the victim;
- Personal items of the victim;
- Literature related to stalking and harassment;
- Keys that fit the victim’s house or vehicle;
- Equipment that could be used for stalking, such as cameras and binoculars;
- Burglary tools or kits.

Additionally, agencies should attempt to collect any of the following, as available:

- A record from the victim of the stalking and harassing behavior, including any items that can be used as evidence for potential prosecution, such as logbooks, diaries, telephone recordings, text messages, snapchats, social media activity, dates and times of sightings, actions of the suspect, and other records;\(^{17}\)
- Video surveillance or photographs of the suspected stalker;
- Security video from offices or stores frequented by the victim that may reveal evidence of the suspect’s presence;
- Telephone records of the suspect;
- Copies of police reports from other jurisdictions and evidence of other involvement with the police;
- Evidence of vandalism to the victim’s property;
- Fingerprints or DNA on vandalized property;
- Statements from witnesses concerning the suspect’s behavior;
- Actions documented through law enforcement surveillance of the suspect.

C. Assessing the Threat

Establishing the level of threat and protecting the victim are key elements of any stalking investigation. Agencies should establish policies and procedures for conducting a standardized and validated assessment, including considering the types of assessments available and determining which are best suited to a stalking incident for the

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\(^{15}\) For more information see IACP Policy Center documents on Evidence Control available at [https://www.theiacp.org/resources/policy-center-resource/evidence-control](https://www.theiacp.org/resources/policy-center-resource/evidence-control).

\(^{16}\) Consider using a checklist such as the IACP Response to Stalking Report Review Checklist available at [https://www.theiacp.org/sites/default/files/all/p-r/ResponseStalkingChecklist.pdf](https://www.theiacp.org/sites/default/files/all/p-r/ResponseStalkingChecklist.pdf).

safety of officers and the victim(s). Any assessment should be used with the goal of assessing a spectrum of behaviors to develop a full picture of the pattern and context of the behaviors.\textsuperscript{18} Moreover, assessments should consider risk factors that may indicate an increased potential for violence, such as explicit threats, property damage, or a previous intimate relationship, as well as risk factors for persistence and recurrence.\textsuperscript{19}

Types of assessments may include those related to threat, lethality, risk, and intimate partner violence, including domestic violence. Agencies may also use an assessment model specific to stalking, such as the Stalking Harassment and Risk Profile (SHARP) assessment,\textsuperscript{20} Screening Assessment for Stalking and Harassment (SASH),\textsuperscript{21} and/or Stalking Assessment and Management (SAM).\textsuperscript{22}

In addition to formal, standardized assessments, officers should ask questions to establish the level and reality of the threat posed by the stalker, bearing in mind the connection between stalking and intimate partner domestic violence, sexual assault, and/or homicide. The following types of questions, if answered affirmatively, should increase concern about violence.

- Is the stalker blatant and bold in their behavior and seemingly unconcerned about leaving evidence or letting others know?
- Is the threatened act consistent with past behavior?
- Does the stalker have the means and opportunity to carry out the threat?
- Has the stalker “rehearsed” the act before the victim or others, such as showing a weapon or stating what they propose to do?
- Does the threat extend to others in the victim’s family or circle of friends?

In the same context, and to the extent that can be determined, it is also useful to gather the following information about the stalker.

- Does the suspect have a history of abusive behavior toward significant others?
- Has physical violence escalated?
- Does the suspect have a history of sexual assault or physical violence that involves choking or attempted strangulation?
- Does the suspect have a history of property destruction?
- Does the suspect have an extreme interest or fascination with violence, such as violent video games or other media,\textsuperscript{23} and/or a history of violence or threats of violence against humans and/or animals?
- Does the suspect keep weapons or have access to firearms?
- Has the suspect used weapons in prior assaults?
- Does the suspect use others to assist in monitoring or harassing the victim?
- Has the stalker been in the military in general, combat in particular, or are they a current or former law enforcement officer?

Affirmative answers to the preceding questions in conjunction with prior information from the victim or witness observations should provide officers with a relatively clear picture of the suspect’s threat level. Following an assessment, officers should develop a safety plan with the victim. Where available, a victim advocate may assist with both the assessment and creation of the safety plan. Developing prior relationships with local resources such as

\textsuperscript{20} For more information, see the Stalking Prevention, Awareness, and Resource Center website at https://www.stalkingawareness.org/sharp/
\textsuperscript{23} For more information on the potential correlation between frequent violent video game use and aggression/antisocial behavior, see the American Psychological Association’s Resolution on Violent Video Games, (2015), https://www.apa.org/about/policy/violent-video-games.
community partners or direct service providers may assist agencies in conducting threat assessments and working with victims.

Although the majority of stalkers are male, there are female and LBGTQ+ individuals who engage in stalking of all levels. It should be noted that often times, female stalkers are falsely believed to be less dangerous than male stalkers. The FBI’s Behavioral Analysis Unit strongly cautions against disregarding stalking threats or reports of female stalkers. Targeted violence, such as stalking, is a “highly individualized crime based upon highly individualized and unique motivators,”24 and can be committed by perpetrators of any gender identity and may also target individuals of any gender identity.

D. Victim Assistance25

There are a number of steps that law enforcement can take to help protect the victim. Above all, officers should be candid with victims, as well as family, friends, or others who are the victims of stalking, when presenting information concerning the perceived threat posed by the stalker. Victims should understand that stalkers can be unpredictable and that victims should never assume that the suspect is feigning violence or joking by using threats for self-amusement.

In addition, here, as in other cases, officers should reassure victims that law enforcement will do all that they can to help the victim, but they should not provide assurances or suggestions that the agency can provide victims with complete protection or guarantee victims’ safety.

Safety Planning: Officers and victim advocates should work with the victim to develop a safety plan. Relationships and partnerships with victim advocates should be developed prior to a stalking incident to provide effective and coordinated assistance to victims. It is also essential for agencies to recognize the importance of listening to and working with the victim when developing a plan that includes a customized response to the individual case. Victims of stalking are most familiar with the stalker’s patterns of behavior and with the circumstances surrounding the stalking, and their insight is invaluable in developing strategies for their safety. Elements of the plan should be customized to the victim’s needs, circumstances, and preferences, though general guidance may include these actions:

- Taking immediate physical safety precautions.
- Obtaining information regarding the victim’s support system and assessing their level of vulnerability.
- Providing guidance for victims on how to change routines with which the suspect may be familiar. For instance, victims may desire to modify work hours and routines where possible and avoid places where the suspect frequents or has been encountered.
- Encouraging the victim to provide a photo of the suspect to law enforcement and other persons who can provide support and safety, while respecting the wishes of the victim.
- Providing guidance for the victim on what to do if they encounter the suspect.
- Assessing the suspect’s level of contact with the victim and providing information on strategies for responding to or ceasing contact with the suspect. This may include describing stalker behaviors and motivations, such as the fact that any attention the victim gives to the perpetrator, regardless of content, or even the failure to act by changing a phone number or calling the police, may be construed as a positive or encouraging sign by the perpetrator.26

25 For more information regarding victims’ rights, see IACP Policy Center documents on Response to Victims available at https://www.theiacp.org/resources/policy-center-resource/victims.
• Assisting the victim with letting coworkers, home or work security staff, family and friends, and/or the victim’s school know about the crime and providing a photo or other identifying information on the suspect to them and asking that they call law enforcement if the suspect appears.
• Assisting with caring for any dependents, including taking safety precautions.
• Giving the victim information about criminal and civil orders of protection and other legal tools for prohibiting contact between the suspect and the victim. Providing the victim with written referral contact information from victim service programs within the community that aid in obtaining such orders.
• Evaluating the suspect’s use of social media in contacting or stalking the victim and developing a strategy to prevent them from doing so.
• Providing resources, such as:
  o Written referral information regarding shelters, medical care, and counseling or other referral resources in the community that may be of value under individual circumstances.
  o Information about their rights as a crime victim, available services and compensation, and how to access such services. Agencies should equip officers with access to resources that they can become familiar with and provide to victims.
• Giving the victim responding officers’ name(s), badge number(s), the incident report number, and a telephone number that the victim can call for information about the case.
• Advising the victim about procedures for initiating criminal proceedings.
• Offering the services of the agency’s crime prevention function, if available, to perform a residence security check.
• Changing the telephone number to unlisted but keeping the original number to record messages from the suspect.
• Working with neighborhood watch groups to be alert to any stalking or harassing behavior in the victim’s neighborhood.

E. Law Enforcement Ongoing Intervention

In addition to measures that can be taken by a stalking victim and the support that they can offer law enforcement for investigative purposes, there are also direct intervention measures that law enforcement can take to stop the stalker.

Making contact with the suspect. This can sometimes be an effective strategy for deterrence, particularly when the victim and the suspect had a prior relationship. A warning contact is most appropriate before the harassing or stalking behavior has reached a violation of law. The warning can be made in person, by mail, or by phone, but where possible should be given formally and in person. However, law enforcement should also consider the safety of the victim and should be cognizant that making contact with the stalker could inspire retaliation toward the victim. Officers should also be cognizant of the possibility that the suspect may be affected by mental illness, and that this may influence their response to law enforcement contact. In any stalking situation, officers should determine the best course of action for stopping the behavior without putting the victim in additional danger.

Responding immediately to violations of protective orders. While protective orders are not completely effective in thwarting future stalking, they allow responding officers to make an immediate arrest if provisions of the order are broken. In some jurisdictions, breach of a protective order also allows for enhanced charging. Where protective orders

27 Storey, “How Do Police Respond to Stalking?,” 139.
are in place, high priority should be given to law enforcement responding to a call for service from that individual or location.

*Using technology for evidence gathering and victim protection.* Mobile tracking devices, global positioning systems, surveillance cameras, and call tracing can all be helpful in monitoring the activities of suspects and providing advanced warning to law enforcement and the stalking victim.²⁹

*Making an arrest.* When appropriate, officers should seek a warrant for the suspect’s arrest or take the suspect into custody pending issuance of a warrant. The prosecutor’s office should be consulted, when necessary, for appropriate charging decisions. Officers should be aware of other criminal behaviors that may be applicable and should make arrests when appropriate.

*Interacting with suspects who have mental health conditions.* Agencies may need to adjust their approach when interacting with suspects who exhibit behaviors that may indicate mental illness to ensure the safety of the victim, the officers, and the suspect. If applicable and if circumstances indicate that the individual meets the legal requirements for involuntary committal, officers may initiate involuntary commitment.³⁰ Agencies should consider providing Crisis Intervention Team (CIT) training and/or partnering with mental health services, such as mobile mental health units.

Agencies may also consider the value of involuntary commitment, if applicable. If there is sufficient evidence to establish probable cause that the suspect is mentally ill, an involuntary commitment order may be sought in order to remove the victim from harm’s way and also allow for evaluation of the suspect.

**F. Supervisory Responsibilities**

Agencies should develop policies and procedures for supervisors to ensure that incidents of stalking receive appropriate oversight and response. For example, supervisors should be aware of local laws and regulations of what constitutes stalking and may monitor reports for proper coding and documentation for patterns or behaviors that may indicate stalking. Supervisors should also be aware of and collaborate with local resources for the prevention of and response to stalking.

**G. Training**

All employees should receive initial and annual refresher training regarding the elements of and responding to stalking. This training should be comprehensive, should emphasize the importance of recognizing indications of stalking as well as listening to and working with the victim, and may also include a discussion of stalker profiles.³¹ Employees should also be aware of local laws and regulations regarding stalking. All training should be regularly evaluated to ensure it is up to date.

It may be beneficial for agencies to co-facilitate with multidisciplinary partners, including stakeholders and advocates, to develop and deliver training and establish working relationships prior to responding to a stalking incident.

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²⁹ Agencies should ensure all appropriate legal protections are adhered to before utilizing this technology.

³⁰ See Policy Center documents on Responding to Persons Experiencing a Mental Health Crisis at [https://www.theiacp.org/resources/policy-center-resource/mental-illness](https://www.theiacp.org/resources/policy-center-resource/mental-illness).

APPENDIX A: U.S. State and Federal Enforcement Tools

Officers and investigators must become familiar with the elements of their state’s anti-stalking law(s) prior to effective response. In nearly all cases, these laws identify core actions that define the criminal intent of the stalking behavior. Commonly, statutes require evidence of a conscious intent by the perpetrator to engage in a course of conduct that would cause a reasonable person to fear death or bodily harm to themselves or to an immediate family member.

Other laws closely related to stalking can also be used to respond to incidents more effectively and help provide safety. These include laws against assault, threats, vandalism, theft, property crimes, and domestic violence. Federal statutes also address crimes that are often involved in stalking. These include the following:

- **Full Faith and Credit Act, (18 U.S.C. 2265).** Mandates all law enforcement agencies to recognize and enforce protection orders from courts anywhere in the United States.
- **Interstate Travel to Commit Domestic Violence Act, (18 U.S.C. 2261).** Criminalizes travel across state lines to commit violence against a spouse or intimate partner.
- **Interstate Stalking Punishment and Prevention Act, (18 U.S.C. 2261 A).** Makes it a federal crime to cross state lines to stalk another person.
- **Federal Domestic Violence Firearms Protections Act, 18 U.S.C. 922 (g)(8).** Makes it a federal crime to possess any firearms or ammunition if subject to a qualifying protection order. Given these laws, local and state law enforcement agencies have the option in some cases of prosecuting the suspect in either state or federal court, or both.
APPENDIX B: Resources for Response to Stalking

International Association of Chiefs of Police
*Police Response to Violence Against Women (VAW) Project*

*Response to Sexual Assault Report Review Checklist*

*Response to Stalking Report Review Checklist*

*Addressing and Preventing Gender Bias: Responses to Reports of Sexual Assault, Domestic Violence, and Stalking Infographic*

*Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence Project*
https://www.theiacp.org/gender-bias

Stalking Prevention, Awareness, and Resource Center (SPARC)
www.stalkingawareness.org

The Office of Community Oriented Policing Services, United States Department of Justice, “Stalking: Know It. Name It. Stop It.” *Community Policing Dispatch* 11, no. 1 (January 2018)