

Law Enforcement and Stalking

How Law Enforcement Identifies Stalking and Handles Complaints

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STALKING

Stalking is a serious form of coercive control whereby offenders engage in a pattern of behavior directed at a specific person that would make a reasonable person feel fearful.

In times where stalking offenders make victims feel hopeless, law enforcement can be a resource to serve and protect. Despite the millions of stalking victims who contact the police each year, however, arrests rarely occur.

In order to improve law enforcement responses to stalking, more information is needed to understand how police officers respond to stalking complaints. The purpose of this report is to briefly outline what we know about law enforcement's experience with stalking complaints, how they identify stalking behaviors that co-occur with domestic violence, and the factors officers consider when arresting an offender for stalking.

Facts and Figures

- Nearly 4% of women (~4.5 million) and 2% of men (~2.1 million) are stalked annually in the United States
- 30% to 50% of stalking victims contact the police
- Arrest rates range from 12% to 24%



How do law enforcement officers handle stalking complaints?

When victims contact the police about being stalked, officers most commonly warn or talk to the offender about their behavior, as well as generate an incident report.

Arrests are unlikely to occur unless there are visible injuries to the victim or a protective/no contact order in place. Nevertheless, some studies have found that the most common outcome (i.e., talking to the suspect) is often the most effective to improving the victim's situation. Discrepancies between reporting and arrest rates need further exploration.

This discrepancy may be related to officers' perceptions, attitudes, and experiences with stalking complaints. Training on stalking can help officers understand the legal elements of stalking and can help them identify stalking within domestic violence situations.

Despite current or former intimate partners being the most common and dangerous type of stalker, officers were less likely to identify stalking behaviors as 'stalking' or consider stalking to be serious when the suspect was an intimate partner.

Why is stalking difficult to investigate?

1. Stalking statutes are complex and require a different response than most calls for service
2. Stalking statutes require evidence that the course of conduct would make a reasonable person fearful
3. Stalking is a crime that often involves current or former intimate partners with few witnesses and limited physical evidence

Because stalking is hard to investigate, victims often bear the burden of evidence collection by documenting each unwanted encounter, taking photographs, and saving every gift, e-mail, and/or text messages and call

FACTORS FOR MAKING AN ARREST

What factors do law enforcement consider when acknowledging stalking behaviors in domestic violence complaints?

Our study found that three factors influence officers' acknowledgement of stalking.

1. The location of the incident was the most important, showing that officers were more likely to cite the offense as stalking if the incident occurred in public.
2. Officers were more likely to identify stalking behaviors if the suspect had multiple offenses
3. Stalking behaviors in DV complaints were acknowledged if there was a prior history of police responses to complaints involving the victim and the offender.

What factors influence officers to arrest a suspect for stalking versus generate an incident report?

Officers were more likely to arrest a suspect for stalking if the incident occurred in public and the victim was willing to cooperate.

Other factors that might be assumed to matter, such as the presence of evidence or witnesses, did not influence the decision to arrest the suspect.

What factors influenced officers to charge the suspect with stalking versus other domestic violence-related offenses?

The decision to charge a suspect with stalking over other DV-related offenses was based on the location of the offense and the number of offenses committed.

Offenders were nearly 6x's more likely to be charged with stalking if the behaviors occurred in public and two times more likely to be charged with stalking if they committed multiple offenses.

For full details on the above findings please see the source article:

Brady, P. Q., Reyns, B. W., & Dreke, R. (2020). A Sign of the Crimes: Examining Officers' Identification of, and Arrest for, Stalking in Domestic Violence Complaints. *Police Quarterly*, 23(4), 500-526

What does this mean?

Officers may perceive stalking as an add-on offense when coercive control tactics become egregious and jeopardize the safety of the community.

Arrests for stalking were more likely to occur in cases where the victim cooperated by providing a written statement. This may indicate that officers consider how prosecutors will evaluate the evidence.

Victim cooperation is integral in domestic violence cases and as a result, officers may be more inclined to arrest stalkers if there is a good chance they will be prosecuted.

How can officers improve responses to stalking complaints?

Agencies Can:

- Implement victim-centered and trauma-informed stalking protocols
- Encourage supervisors to conduct regular internal audits of ongoing domestic violence and stalking investigations
- Cross-train law enforcement, victim service providers, prosecutors, judges, and probation and parole officers on how to identify stalking, corroborate evidence, and manage cases

Officers Can:

- Prioritize stalking complaints as homicide prevention
- Treat complaints of domestic violence, stalking, and sexual assault as course of conduct offenses rather than isolated incidents
- Establish a course of conduct by charging offenders early and often with related offenses.
- Coercive control can be criminalized as trespassing, harassment, theft, forgery, identity theft, credit card fraud, burglary, intimidation of a witness/victim, harassment, and/or identity theft.
- Develop partnerships with victims and victim service agencies. Consider stalking victims as co-investigators in the pursuit of offender accountability
- Set expectations with victims to ensure they understand the reality of what law enforcement may require of them during investigations

