

GEORGIA DOMESTIC VIOLENCE

# FATALITY REVIEW PROJECT

A silhouette of a person walking away in a dimly lit hallway with a grid ceiling. The person is walking away from the viewer, towards the right side of the frame. The hallway is narrow, with walls on both sides and a ceiling with a grid pattern. The lighting is low, creating a somber and mysterious atmosphere. The person's shadow is cast on the floor.

2017 | 14TH ANNUAL REPORT

GEORGIA COMMISSION ON FAMILY VIOLENCE | GEORGIA COALITION AGAINST DOMESTIC VIOLENCE

## **WE DEDICATE THIS REPORT**

to victims, their children and family members who lost their lives as a result of domestic violence; to their surviving children, family members, and friends who must go on without them; and to victims who navigate survival every day.

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### **Regarding Gender Language in This Report**

According to the Bureau of Justice, women account for 85 percent of victims of intimate partner violence and men account for the remaining 15 percent (Catalano 2015). The majority of domestic violence homicides in Georgia tracked by the Project involve men killing women in heterosexual relationships. The language we use in this report reflects these realities. However, it should not be construed to suggest that all victims are women and all perpetrators are men; men are abused in intimate partner relationships and are sometimes killed.

**24-HOUR STATEWIDE DOMESTIC VIOLENCE HOTLINE:**  
1-800-33-HAVEN (1-800-334-2836) SE HABLA ESPAÑOL

# EXECUTIVE SUMMARY

Welcome to the 2017 Georgia Domestic Violence Fatality Review Annual Report (“Annual Report”). This is the 14th Annual Report released by the Georgia Domestic Violence Fatality Review Project (“the Project”). The Project is a statewide initiative that closely examines domestic violence-related fatalities. Since 2004, we have worked with 25 communities statewide to conduct in-depth fatality reviews. The Project aims to learn ways to more fully address the problem of domestic violence and to seek solutions to reduce the number of domestic violence-related deaths and injuries in our state. We publish an Annual Report to highlight important issues and trends identified through the domestic violence fatality review process and to put forth concrete recommendations for change which address improvements to services, policies, practices, training, information sharing, communication, collaboration and resources. The Project’s 14th Annual Report builds on past reports and does not replace them.

For the past few years, our Annual Reports have concentrated on specific and compelling findings from the Project. In 2015, we explored the issue of children exposed to domestic violence. In 2016, we covered the connection between domestic violence homicide and suicide. This year, our Annual Report focuses on the problem of intimate partner stalking, specifically in the context of intimate partner relationships that end in homicide.



**4 PERCENT OF WOMEN AND 2 PERCENT OF MEN** ARE STALKED EACH YEAR IN THE UNITED STATES. *(Smith et al. 2017)*

**62 PERCENT OF FEMALE VICTIMS AND 43 PERCENT OF MALE VICTIMS** WERE STALKED BY A CURRENT OR FORMER INTIMATE PARTNER. *(Smith et al. 2017)*

**76 PERCENT OF FEMALE INTIMATE PARTNER HOMICIDE VICTIMS** EXPERIENCED AT LEAST ONE EPISODE OF STALKING IN THE YEAR PRIOR TO THEIR DEATHS. *(McFarlane et al. 1999)*



**ROUGHLY 312,000 GEORGIANS** ARE STALKED EACH YEAR. *(Elliott & Lemeshka 2017)*

**STALKING BEHAVIORS WERE IDENTIFIED IN 58 PERCENT OF ALL FATAL DOMESTIC VIOLENCE INCIDENTS** REVIEWED BY THE GEORGIA DOMESTIC VIOLENCE FATALITY REVIEW PROJECT.

Intimate partner stalking is a dangerous and prevalent problem that often has devastating impacts on victims. Despite the staggering statistics, stalking that occurs in the context of intimate relationships is a largely invisible crime that often goes without consequences for the perpetrator.

In order to better understand the connections between intimate partner stalking and domestic violence homicide, the Project’s 106 reviewed fatalities were split into two groups: cases where stalking behaviors were identified (“stalking cases”) and cases where no stalking behaviors were identified (“non-stalking cases”).

To make this distinction, each reviewed case was reassessed for the presence of stalking by utilizing a broader behavioral-based definition than the Project had used in the past. Cases designated as “stalking cases” in this Annual Report included the presence of a pattern of any of the following behaviors committed by the perpetrator:

- Following the victim or showing up at locations where the victim is likely to be
- Driving by the victim’s home, school or work
- Monitoring phone calls or computer use
- Using technology to track the victim or to compile information about the victim
- Surveillance of the victim in any form
- Sending unwanted gifts, letters, cards or messages
- Causing damage to home, car or other property
- Threatening to hurt the victim, or her family, children or pets
- Using other people to locate or contact the victim
- Posting information or spreading rumors about the victim on the internet, in a public place or by word of mouth
- Other actions designed to control and intimidate the victim
- Monitoring behaviors, including microsurveillance

Through exploring the issues of intimate partner stalking in our reviewed cases, we hope to examine some key questions: How is stalking a precursor to homicide? What is different about domestic violence homicides involving stalking behaviors? If there is something different, how can we make changes to prevent future deaths? Are we missing opportunities to take stalking behaviors more seriously and hold perpetrators accountable? If so, how can we fill in these gaps to provide interventions and services to ultimately keep victims safer?

Our analysis of reviewed stalking cases revealed several key findings and recommendations to address those questions, which are discussed throughout this Annual Report's five chapters.

## **CHAPTER 1: STALKING BEHAVIORS: A CLOSER LOOK** **7**

This chapter explores the connection between domestic violence and stalking, lays out an overarching framework for categorizing stalking behaviors and discusses the impact of stalking behaviors on victims. It also explores how Georgia compares with the nation overall on the issue of stalking and affirms that intimate partner stalkers are the most dangerous type of stalker.

## **CHAPTER 2: CRIMINAL JUSTICE INTERVENTION** **18**

In this chapter, we discuss the impact law enforcement and the courts can have on the issue of intimate partner stalking. The chapter also explores barriers to victims reporting stalking behaviors, and assesses how stalking is addressed within the criminal justice system when it is reported.

## **CHAPTER 3: CIVIL REMEDIES** **24**

This chapter evaluates the civil court's response to victims and perpetrators of intimate partner stalking. Much of the chapter focuses on our findings on the high percentage of stalking victims who seek Temporary Protective Orders (TPOs). We explore the limitations of these orders and the high rates of TPO violations in stalking cases.

## **CHAPTER 4: RESPONDING TO STALKING** **31**

In this chapter, we make recommendations for addressing the problem of intimate partner stalking in Georgia's communities. The complexity and potential risks associated with intimate partner stalking are not widely understood by service providers and responders, which often complicates victim safety when they reach out for help. Each of the recommendations holds great potential for increasing safety for victims and strengthening mechanisms for perpetrator accountability, all with the ultimate goal of reducing domestic violence incidents and related deaths.

## **CHAPTER 5: ELECTRONIC STALKING AND TECH SAFETY** **45**

This chapter delves into the misuse of technology by abusers for the purpose of monitoring and stalking victims. This section includes specific recommendations for responders on how to assist victims experiencing electronic or cyber stalking, including a special technology safety plan to be utilized by victims.

As you read this Annual Report, we invite you to join the Project in revisiting the complex issue of intimate partner stalking. There are a multitude of misconceptions about stalking in our society which can affect how we identify, intervene and support victims of intimate partner stalking, many of whom are at an increased risk of being killed by an intimate partner stalker. In evaluating the history of abusive behaviors in cases reviewed by the Project, the lethal risk of stalking within the context of intimate partner violence is illuminated. We encourage you to consider not only how you and your agency or organization can implement the recommendations which address intimate partner stalking, but also explore your role in a coordinated community response to intimate partner violence. Together, we can support victims of intimate partner violence, hold perpetrators accountable, and continue working towards our common goal of preventing future domestic violence-related deaths.

# DATA SNAPSHOT



## CASES REVIEWED BY THE PROJECT

**106**

domestic violence-related homicide cases  
have been reviewed by the Project

**61**

reviewed cases involved stalking  
("stalking cases")

**45**

cases did not involve stalking  
("non-stalking cases")

### STALKING CASES: WHEN THE STALKING OCCURRED

Of the 61 reviewed cases involving stalking ("stalking cases")

**50**

victims were stalked  
prior to the fatal incident

**11**

victims were not stalked prior  
to the fatal incident

**40**

victims were stalked during  
the fatal incident

**21**

victims were not stalked  
during the fatal incident

**57**

relationships between the  
victims and perpetrators had  
ended prior to the fatal incident

**4**

relationships between the  
victims and perpetrators had not  
ended prior to the fatal incident

Of the 57 relationships that ended prior to the fatal incident

**3**

cases in which stalking was  
known to occur only before  
the end of the relationship

**19**

cases in which stalking was known  
to have occurred before and after the  
end of the relationship

**35**

cases in which stalking was  
known to occur only after  
the end of the relationship

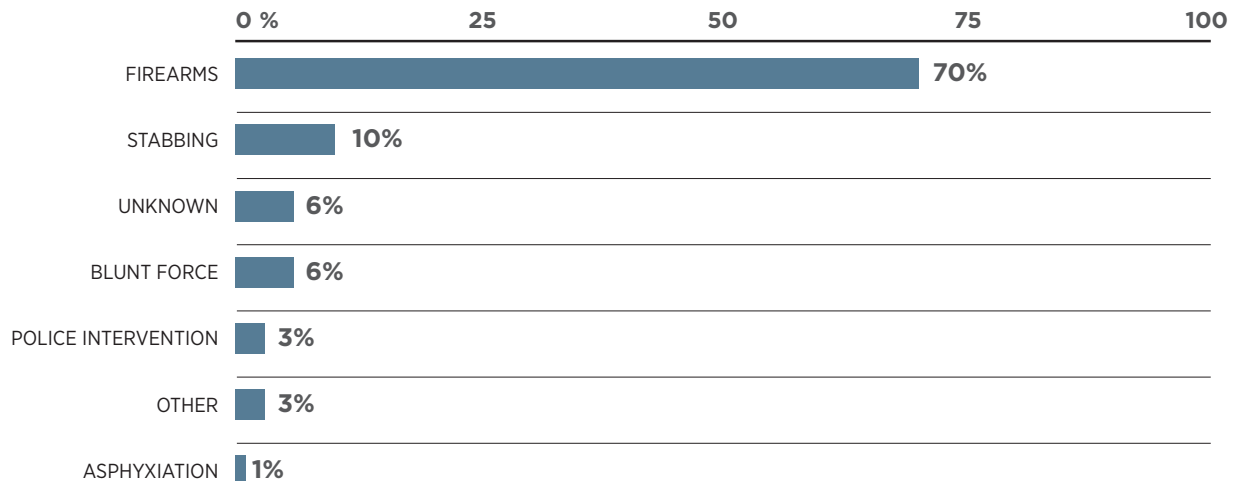
1 DOMESTIC VIOLENCE RELATED DEATHS IN GEORGIA: 2017

COUNTY	NUMBER OF DEATHS	COUNTY	NUMBER OF DEATHS
Baldwin	1	Gordon	2
Barrow	1	Gwinnett	10
Ben Hill	2	Habersham	2
Bibb	3	Hall	3
Bulloch	2	Hancock	2
Calhoun	1	Haralson	1
Camden	1	Houston	1
Carroll	5	Jackson	3
Chatham	1	Laurens	3
Cherokee	3	Lumpkin	1
Clarke	4	Murray	1
Clayton	2	Muscogee	5
Cobb	11	Newton	4
Coffee	2	Oconee	2
Colquitt	1	Paulding	1
Coweta	2	Pickens	2
Crawford	1	Rockdale	3
DeKalb	11	Spalding	4
Dougherty	7	Taylor	1
Elbert	1	Telfair	1
Fayette	2	Toombs	1
Floyd	1	Troup	1
Forsyth	6	Twiggs	1
Franklin	2	Upson	1
Fulton	11	Walker	1
Gilmer	1	Warren	1
Glynn	5	White	1

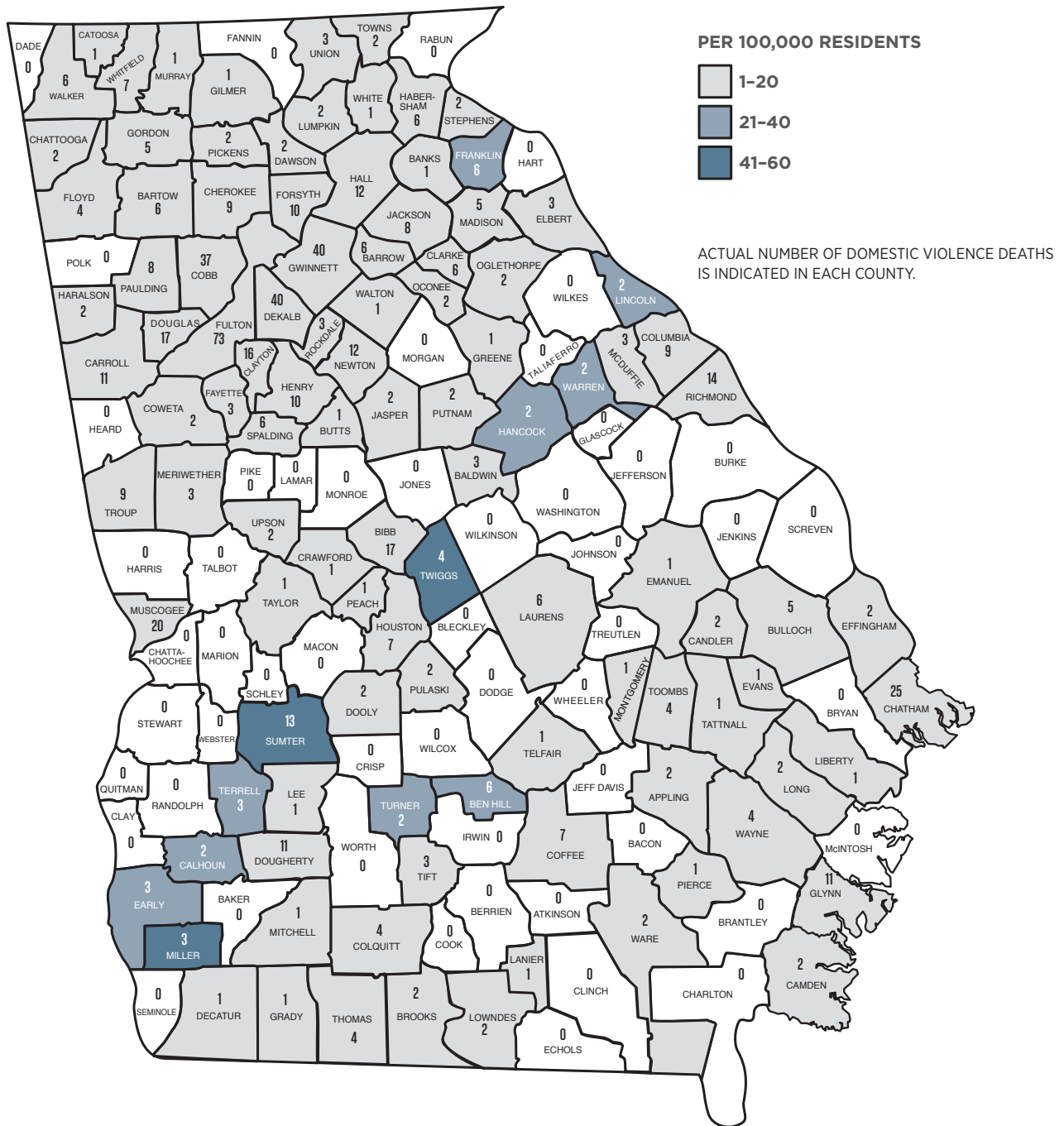
**Chart 1 and Chart 2 Key Points:**  
 Chart 1 includes only Georgia counties in which a domestic violence-related death is known to have occurred in 2017. Chart 2 captures the cause of death in those incidents. Previous versions of this chart included a category called “suicide by cop.” The category is now called “police intervention” and includes instances where abusers were killed by law enforcement officers responding to a domestic violence incident. Most incidents are consistent with “suicide by cop,” in which abusers threaten officers or victims with deadly violence to provoke a lethal response.

**TOTAL: 149**

2 CAUSE OF DEATH IN DOMESTIC VIOLENCE-RELATED DEATHS IN GEORGIA: 2017



### 3 DOMESTIC VIOLENCE-RELATED DEATHS IN GEORGIA BY COUNTY PER CAPITA: 2013-2017



**Chart 3 Key Points:** Chart 3 shows both the per capita homicide rate and actual numbers of deaths by county known to have occurred from 2013–2017. The Project compiled statistics using media monitoring and reports from domestic violence programs and District Attorney’s offices statewide; information was normalized using 2010 census data. This count represents all domestic violence-related deaths known to us at the time of the Report, including intimate partners and related persons, such as

new relationship partners, children and other family members. To show the full scope of lives lost due to domestic violence, statistics also include deaths of alleged perpetrators, most of whom committed suicide after killing or attempting to kill the victim(s). Numbers in these charts are subject to change slightly from year to year as new information on individual cases is reported or known to us.

## Brenda's STORY

Brenda and Shawn grew up in the same neighborhood. They had known each other virtually their entire lives when they began their relationship which, on and off, lasted more than a decade. The couple shared three children and each had a child from previous relationships.

Shawn's abusive behavior started immediately. When they were teenagers, Brenda confided in a family member that Shawn had shot at her with a gun. Other early incidents involved him punching her in the eye, slapping her in the face, and taking her phone. During one of Brenda's pregnancies, Shawn violently kicked her in the stomach attempting to end the pregnancy. As his physical assaults continued against her, Shawn began to abuse Brenda in the presence of family and friends, and occasionally in front of their children.

On one occasion while they were separated, Shawn followed Brenda as she drove their children on errands and then shot at them with a gun. On another occasion, Brenda reported Shawn for sideswiping her car. Police were not able to obtain evidence of the crime and he was never arrested for the incident.

Whether in or out of the relationship, Shawn's monitoring behaviors continued. On numerous occasions, he called Brenda at work, repeatedly checking on her. Brenda told a friend she felt "terrorized" by Shawn and that it was not uncommon for him to stand over her as she slept.

After a particularly violent incident, which left her with visible injuries, Brenda decided Shawn had crossed a line. She had tried everything to make the violence in the relationship stop,

and her efforts had not worked as she'd hoped. Shawn regularly violated court orders, including his probation sentence and the Temporary Protective Order Brenda obtained. She ended the relationship in hopes his abuse would end with it.

Eventually, Shawn realized Brenda was not planning to return to him. She had enrolled in classes at a local college and was in a new relationship. Shawn told numerous people he was going to kill Brenda, and told Brenda's aunt she should "get ready to wear a black dress." Aside from Brenda, few took Shawn seriously. Brenda dropped Shawn as the beneficiary of her life insurance policy and told her family, "He's going to kill me. I know it."

Shawn's stalking escalated. When Brenda went out of town on vacation, Shawn broke into her home and trashed it. On another occasion, he sabotaged her car so she would not have a way to work. Neighbors told Brenda they had seen Shawn driving through the neighborhood looking for her on several occasions.

Eventually, Shawn convinced their children to identify Brenda's new boyfriend. He located the man and confronted him about their relationship, pointing a gun at him. Brenda's boyfriend reported the confrontation and went to court to request a warrant for Shawn's arrest.

The next day, Shawn called Brenda, accusing her of letting their children call her new boyfriend "daddy." Shawn drove to Brenda's home and, when he arrived, he struck Brenda with his car before getting out and shooting her. The tragic incident was witnessed by their children.



*chapter 1*

# STALKING BEHAVIORS: **A CLOSER LOOK**

While there may be some variations in its definition, stalking is commonly referred to as a course of conduct directed at a specific person that would cause a reasonable person to feel fear. In addition to the behavioral definition, there is also a legal definition of stalking in Georgia.

The Official Code of Georgia Annotated (O.C.G.A.) § 16-5-90 indicates that a person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person, for the purpose of harassing and intimidating the other person.

In the Georgia Code, “contact” is defined as any communication including but not limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device.

The Code also defines “harassing and intimidating” as engaging in a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person’s safety or the safety of a member of his or her immediate family, that establishes a pattern of harassing and intimidating behavior, and which serves no legitimate purpose.

Importantly, Georgia’s Code does not require that an overt threat of death or bodily injury be made in order to meet the threshold of stalking.

These behavioral and legal definitions of stalking illustrate the complexities of the problem. First, stalking is a unique crime because it requires a course of conduct. This implies there must be a discernible pattern to the stalking behavior and not just a single incident. Given that, stalking is often hard to define and difficult to prove. Individual acts of stalking which make up a course of conduct or pattern may not be criminal in and of themselves. A narrow view of each act individually may allow the seriousness of the overall pattern to be overlooked.

As we continue to educate systems that domestic violence is a pattern of behavior and not an incident-based issue, we must begin to consider stalking through the same lens.

Second, fear is subjective. The understanding of the individual stalking behaviors that constitute a course of conduct lies in the context of the situation. The fear stalking victims experience comes from their interpretation of the stalker’s behavior, often as it relates to their personal history with the stalker. It is not always easy for victims to convey, or for others to understand, why certain behaviors or tactics used by the stalker instill fear in the victim.

The social normalization of stalking also contributes to the complexity of the issue. Pop culture and the media often minimize the dangers of stalking by portraying stalking behaviors in a humorous or romantic light. Other cultural references also feed the myth that most stalkers are mentally ill individuals stalking celebrities, rather than portraying the reality that most victims are stalked by someone they know, frequently current or former intimate partners. This leads to a public perception of stalking which obscures the connection between stalking and domestic violence.

Moreover, technological advancements have given rise to additional forms of stalking, commonly referred to as cyberstalking or electronic stalking. The internet, along with widespread use of social media, contributes to a culture where the value of an individual’s right to privacy has been diminished. Online resources provide easy access to personal data via social media, search engines and data brokers. Additionally, the marketing of surveillance technology, often utilized by stalkers, sends clear messages that surveillance is practical, acceptable and easy — and all but ignore the potentially dangerous costs to victims when the technology is misused. Use of technology as a mechanism for stalking is particularly effective, as the perpetrator does not have to be in the physical presence of the victim to exert control or instill fear in the victim. (We cover electronic stalking in more depth on page 45.)

Victims of intimate partner stalking experience devastating impacts due to the intrusion and interference inherent in these behaviors. Many stalking victims experience a number

of disruptive psychological consequences, such as emotional distress, significant fear, safety concerns, hypervigilance, depression, PTSD and difficulty concentrating. These consequences are compounded by the fact that intimate partner stalking victims often wrestle with feelings of guilt about the potential ramifications of engaging the criminal justice system to hold their stalker accountable.

## STALKING AND INTIMATE PARTNER VIOLENCE

The presence of stalking in intimate partner relationships is a pervasive problem. The National Intimate Partner and Sexual Violence Survey (2017) found women are more likely than men to be victims of intimate partner stalking: 62 percent of female victims and 43 percent of male victims were stalked by a current or former intimate partner (Smith et al. 2017). Another national study of intimate partner stalking victims revealed that 21 percent of the time, stalking behaviors occurred during the relationship (Tjaden & Thoennes 1998). The Project found stalking occurred while the victim and perpetrator were involved in a relationship in 38 percent of stalking cases.

Despite the prevalence of stalking behaviors in intimate partner relationships, stalking in this context is largely overlooked. Typically, stalking behaviors that occur in intimate partner relationships co-occur with other coercive and intimidating behaviors, which may eclipse the stalking behavior. In 98 percent of stalking cases reviewed by the Project, the perpetrator had a history of domestic violence against the victim, including emotional abuse. This aligns with other research which suggests a strong link between stalking and emotionally abusive and controlling behavior. In one study, researchers found that ex-husbands who stalked their victim were significantly more likely to engage in emotionally abusive behaviors — such as shouting or swearing, making her feel

inadequate and trying to provoke arguments — than ex-husbands who did not stalk (Tjaden & Thoennes 1998). That study also revealed intimate partner stalkers are more likely to use controlling behaviors, such as limiting the victim’s contact with others, denying access to family income and insisting on knowing where she was at all times. Jealousy and possessiveness were also exhibited by these stalkers during the relationship.

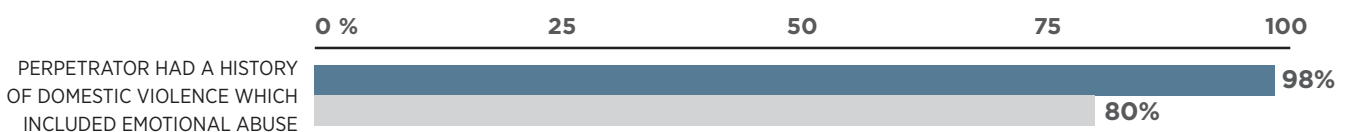
Further contributing to the invisibility of intimate partner stalking is the fact that abusive relationships are often in fluid states of togetherness. It is not uncommon for there to be multiple periods of separation and reconciliation during the course of an abusive relationship. These blurred relationship lines may cause confusion for both victims and responders in terms of when contact is wanted or unwanted. Moreover, many victims may not use the term “stalking” to describe what they are experiencing and may struggle to convey to others why the perpetrator’s behavior causes them to be afraid.

Research shows that intimate partner stalkers are the most dangerous type of stalker and that stalking is a risk factor for homicide.

Intimate partner stalkers are more likely to: physically approach their victim; use insulting, interfering and threatening tactics; and use weapons. Their behavior is also more likely to escalate quickly (Mohandie et al. 2006).

One study on intimate partner violence and stalking, “Stalking and Intimate Partner Femicide,” found that in 76 percent of cases, female intimate partner homicide victims experienced at least one episode of stalking in the year prior to their deaths (McFarlane et al. 1999). The same study also identified that nearly 70 percent of women who were killed had been

### 4 PRESENCE OF EMOTIONAL ABUSE IN RELATIONSHIP



physically abused by the intimate partner who killed them. Furthermore, it found that of the female homicide victims who were physically abused, 90 percent were also stalked prior to the homicide.

Our Project’s recent findings are in line with this study. In 58 percent of all cases reviewed by the Project, victims were stalked by the perpetrator who subsequently went on to kill them. Further, in reviewed stalking cases, nearly all of the victims had been physically assaulted by the perpetrator who eventually killed them. Given these findings, it is imperative for stalking behaviors to be considered a risk factor for future physical abuse and possible lethality for victims of intimate partner violence.

## STALKING: A COURSE OF CONDUCT

To best understand what intimate partner stalking looks like, it is essential to take a closer look at the behaviors that constitute a course of conduct. To do so, we draw on a multidimensional framework developed by T.K. Logan and Robert Walker (2017). This framework is based on three key components identifying stalking as an (1) intentional course of conduct; (2) that causes reasonable fear, concern for safety or other emotional distress; and (3) is unwanted. This framework offers a classification of tactics that are referred to as Surveillance, Life invasion, Intimidation and Interference strategies (SLII strategies). By categorizing the tactics in this way, responders may be more easily able to identify stalking behaviors even in circumstances where

the victim does not report the issue as stalking. In the following sections, we will take a closer look at each of the SLII strategies in the context of our Project’s findings and case examples.

### STRATEGY 1: SURVEILLANCE

Surveillance is a common strategy reported by victims of intimate partner stalking. This includes the perpetrator following the victim, showing up where she is, and using technology to monitor her. It also includes the use of proxy, or third-party, stalkers to gain information about the victim. Several studies have found that surveillance, in particular, is associated with severe violence (McFarlane et al. 2002; Sheridan & Roberts 2011) and increased victim fear (Logan et al. 2006).

Although surveillance can take multiple forms, many perpetrators use physical proximity to the victims to surveil and monitor interactions. In one reviewed stalking case, a victim’s husband monitored all phone calls made to and from their home and would not allow the victim to use the computer. His surveillance limited her ability to speak with other people, including her family who lived in a different country. In a separate reviewed case, a perpetrator who believed the victim intended to leave the relationship would stay home from work to monitor the victim’s communications and to ensure she did not pack up and leave the home while he was gone.

Some perpetrators use eavesdropping techniques to place the victim under surveillance without their knowledge. In

SLII STRATEGIES:	SURVEILLANCE	LIFE INVASION	INTIMIDATION	INTERFERENCE THROUGH SABOTAGE OR ATTACK
<b>EXAMPLES OF STALKER’S TACTICS:</b>	<ul style="list-style-type: none"> <li>Follow</li> <li>Watch</li> <li>Wait</li> <li>Show up</li> <li>Tracking software</li> <li>Obtain information about target</li> <li>Proxy stalking</li> </ul>	<ul style="list-style-type: none"> <li>Unwanted contact at home, work and other places</li> <li>Phone calls</li> <li>Property invasion</li> <li>Public humiliation</li> <li>Harass friends and family</li> </ul>	<ul style="list-style-type: none"> <li>Threats</li> <li>Property damage</li> <li>Forced confrontations</li> <li>Threaten to or actually harm self</li> <li>Threats to target about harming others</li> </ul>	<ul style="list-style-type: none"> <li>Financial and work sabotage</li> <li>Ruining reputation</li> <li>Custody interference</li> <li>Keep from leaving</li> <li>Road rage</li> <li>Attack friends and family</li> <li>Physical/ sexual attack</li> </ul>

one reviewed stalking case, the perpetrator placed a baby monitor under the victim’s bed so he could listen to her phone conversations when she was in her bedroom. After the homicide of a victim in another reviewed case, investigators found evidence that the perpetrator had had the marital residence under surveillance for some time. In that case, the victim had filed for divorce and the perpetrator had moved out. In a different reviewed stalking case, the perpetrator placed a recording device on the victim’s phone after she filed for divorce.

Following the victim is another common form of surveillance used by perpetrators. In one reviewed stalking case, one perpetrator was known to drive around attempting to locate the victim. On several occasions, he was observed turning his car around to follow the victim after he saw her driving down the road. The perpetrator eventually began using rental cars to surveil the victim, changing his vehicle out weekly to aid in concealing his identity. In another reviewed case, a perpetrator who believed the victim was cheating on him, borrowed vehicles from his friends to follow the victim and a male coworker as they did their jobs. A different perpetrator hid inside a local restaurant while the victim was inside: Without her awareness and in direction violation of the Temporary Protective Order (TPO) against him, he watched her hang out with friends and monitored her interactions with other men.

Given the fact that many intimate partner stalkers utilize “following” techniques to surveil their victim, it is not uncommon for a stalker to follow a victim to a public location and approach her there. In fact, in stalking cases reviewed by the Project, homicides were more likely to occur in “public”

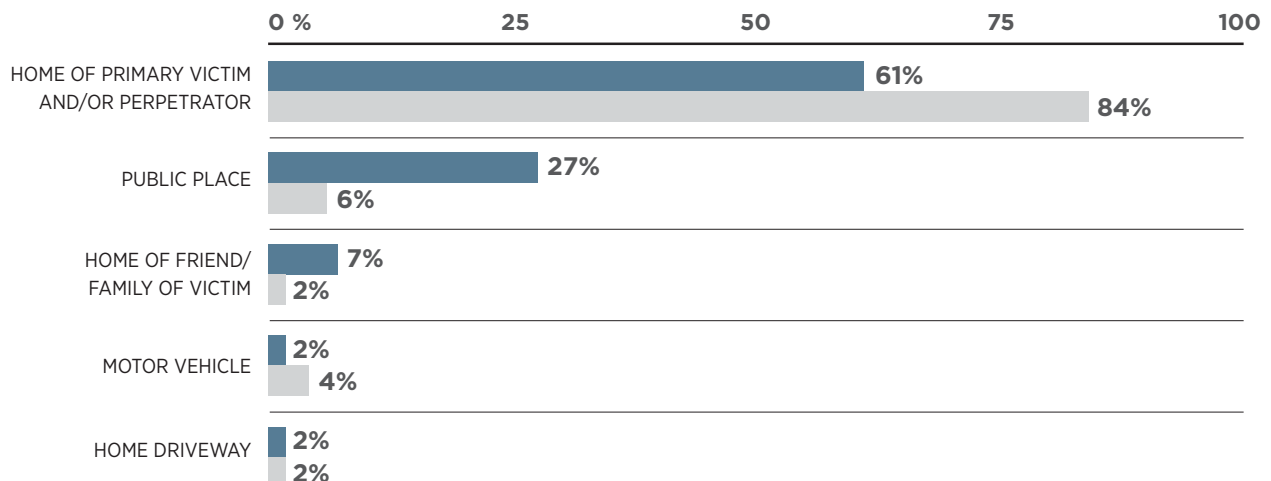
spaces, such as the home of a family member or friend, a parking lot or sidewalk, a workplace, at a public building, or on public land (such as a park). In addition to increasing the potential that bystanders could be injured or killed during these “public” incidents, many bystanders also witness these tragic events.

Witnesses to the homicide were present in 56 percent of the reviewed stalking cases; 38 percent of the time, those witnesses were children.

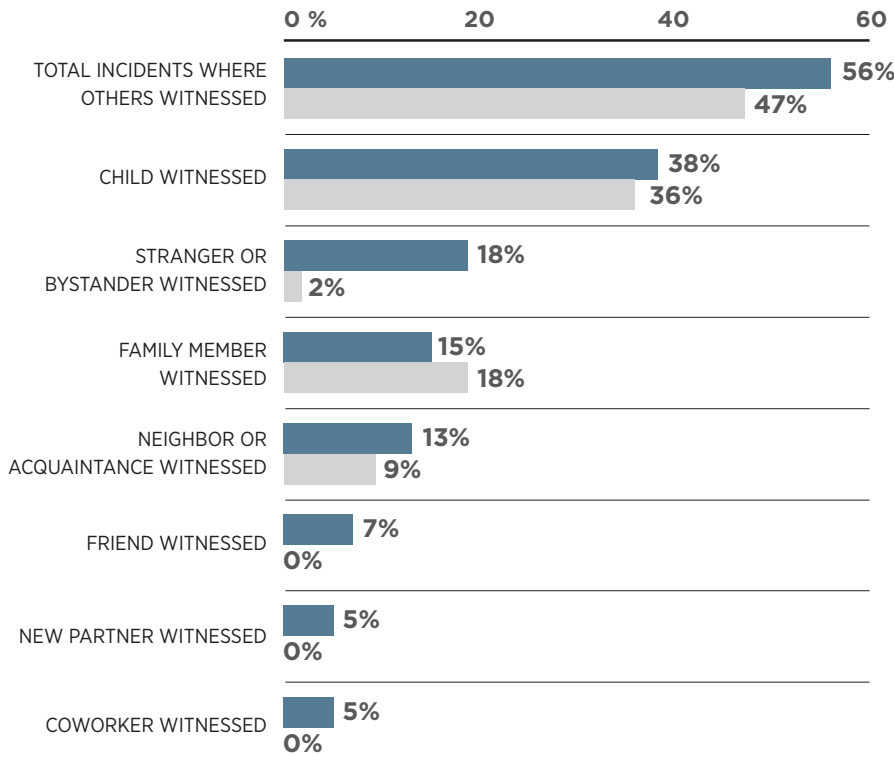
Surveillance also includes the use of proxy, or third-party, stalkers. One study found that 50–60 percent of intimate partner stalking victims reported that others were involved in the stalking (Logan et al. 2006). Use of a third party can mean something as direct as enlisting the help of friends or family to follow or watch the victim. Or it can seem more innocuous, such as asking friends or family members to message the victim on social media to “show concern.”

In one reviewed case, the perpetrator asked his coworker to drive him to a club where he thought the victim would be. He had a camcorder and a pistol with him, and told his coworker he hoped to catch the victim with another man so he could use it against her in their divorce. Together, the perpetrator and his friend waited outside the club until closing time, watching for the victim to arrive or leave. He was not able to locate the victim

## 5 LOCATION OF FATAL INCIDENT



6 WITNESSES TO FATAL INCIDENT



that night, so, on the following night, he waited for her outside her house. When the victim arrived home in the early morning hours, the perpetrator ambushed her as she exited her car, shooting her several times.

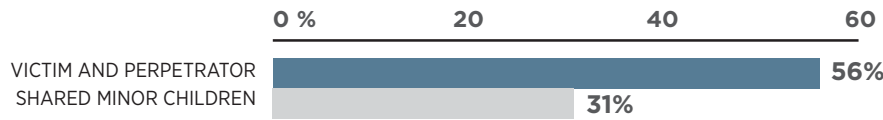
Intimate partner stalkers may also use contact with the victim’s family and friends to track the victim or put pressure on the victim’s family and friends to take his side or influence the actions of the victim. In one case, the perpetrator called the victim’s best friend repeatedly to ask about her whereabouts and to try to get information about the victim’s plans for divorce. He went so far as to ask the friend if she would try to convince the victim to drop her TPO and divorce proceedings.

In stalking cases reviewed by the Project, the victim and the perpetrator shared minor children in 56 percent of cases; unfortunately, children can often be unwittingly used as information-gatherers for a stalker, which was true in many reviewed cases.

Given their close proximity to the victim parent, children are often manipulated into tracking, monitoring and surveilling the victim on behalf of the stalker. Adept stalkers may ask children questions about the victim parent’s activities, or utilize the child’s technology to track the victim. One perpetrator in a reviewed stalking case, for example, paid the victim’s oldest child to provide information to him about his mother, often calling on the child for updates about her activities and location.

Perpetrators may also track the victim by taking notice of their children’s social media “check-ins” or posts about their daily activities. Children may also be given a cell phone, tablet, or computer with spyware or Global Positioning System (GPS) tracking installed on it. In one reviewed stalking case, the perpetrator utilized the cell phone provider’s “family locator” technology to discover the whereabouts of the victim. A different perpetrator located the victim and children by way of Apple’s “Find My iPhone” feature. (For a more in-depth discussion on how children are impacted by domestic violence, please see the 2015 Georgia Domestic Violence Fatality Review Annual Report, available for download at [georgiafatalityreview.com/reports](http://georgiafatalityreview.com/reports).)

## 7 SHARED CHILDREN BETWEEN VICTIM AND PERPETRATOR



In his book *Coercive Control* (2007), Evan Stark concludes that surveillance is a prevalent tactic used by perpetrators to achieve coercive control over victims. Stark uses the term “microsurveillance” to describe behaviors targeting the everyday routines of victims and seeking to control their decision-making. The examples provided from Stark’s case studies include: going through drawers, pocketbooks, diaries or closets; monitoring the victim’s time, phone calls, bank accounts and checkbooks; identity theft; using GPS; and installing video cameras.

In cases reviewed by the Project, “microsurveillance” behaviors were identified as monitoring and controlling behaviors. There was a history of these behaviors in 66 percent of the stalking cases reviewed by the Project. In one reviewed case, the victim’s husband timed how long it took her to go to the grocery store and constantly checked her cell phone, scrutinizing her contacts and communications. In another, the perpetrator had a history of searching the victim’s car, as well as taking her checkbook away from her. Other noteworthy examples from reviewed stalking cases include: a perpetrator who would follow the victim to the bathroom and wait outside the door for her to come out; and a perpetrator who removed the bedroom door so the victim had no place in their home for privacy.

The perpetrators’ beliefs they had the right to engage in these monitoring and controlling behaviors may speak to how they view their victims not as individuals, but to some degree as their property. In stalking cases reviewed by the Project, perpetrators were more than three times as likely to express attitudes of ownership over their victim than perpetrators in non-stalking cases.

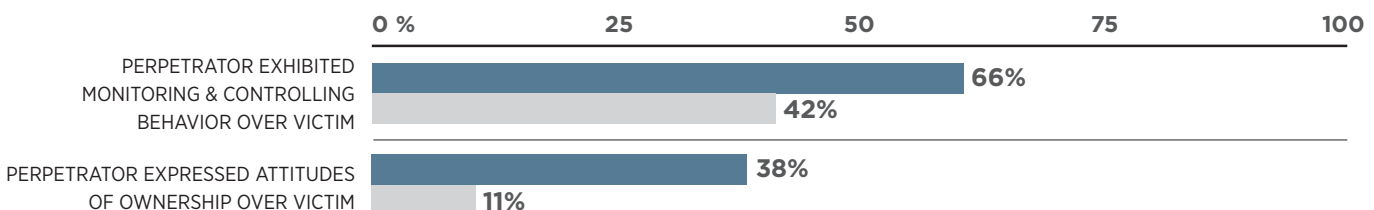
## STRATEGY 2: LIFE INVASION

Life invasion includes repeated, unwanted contact in person or by phone, text, email, mail, by third party and via social media. Of the 4.8 million women in the United States who reported being stalked by a current or former intimate partner, 61 percent received unsolicited phone calls and 45 percent were threatened verbally or in writing (Stark 2012). Research shows that two-thirds of stalkers pursue their victims at least once per week and 78 percent of stalkers use more than one means to make contact with victims (Mohandie et al. 2006).

Intimate partner stalkers utilize various methods and behaviors to intimidate victims, often in a manner that permeates all areas of a victim’s life.

This may include tactics such as property invasion, harassing friends and family members, spreading rumors and public humiliation. This life invasion can be illustrated through a reviewed stalking case in which the parties separated and were no longer living together. The perpetrator made direct, unwanted contact with the victim by repeatedly showing up at her home and at locations where the victim routinely went, often in violation of a TPO she had taken out against him. On one occasion, he broke into her home and proceeded to strangle and sexually assault her. He humiliated her by posting vulgar signs with crude, sexual comments about her in her yard and neighborhood. The perpetrator was also known to repeatedly call her at work and send threatening emails. He also began to

## 8 PERPETRATOR’S USE OF SURVEILLANCE STRATEGIES



contact her coworkers, harassing them and insulting the victim. The perpetrator’s interference with the victim touched all areas of her life: personal, professional and public.

Life invasion is also evident in another reviewed stalking case where the perpetrator repeatedly called and showed up to the victim’s job, where she worked as a retail store manager. During the incidents when he showed up at her work, he acted “aggressive” towards her and her coworkers; this behavior deeply embarrassed the victim. On one occasion, the perpetrator went so far as to call one of the victim’s male coworkers and threaten to kill him if he was having an affair with her. The victim’s closest female friend described the perpetrator as “jealous and controlling.” Whenever the friend tried to visit the victim at home, the perpetrator would meet her at the door and make her leave. Two weeks before the victim was killed, she moved out of the marital residence and told the perpetrator she wanted a divorce. During their separation, the victim lived with a friend. The perpetrator repeatedly called the friend’s house and left vulgar messages regarding the victim. He also continued stalking her at her job, making contact with her until he was able to convince her to meet with him to discuss their relationship. It was during this meeting that he shot and killed her, then turned the gun on himself in an attempted suicide.

**STRATEGY 3: INTIMIDATION**

Not only is a history of physical assault more prevalent in stalking cases, but intimate partner stalkers also engage in threatening and intimidating behaviors at a higher rate.

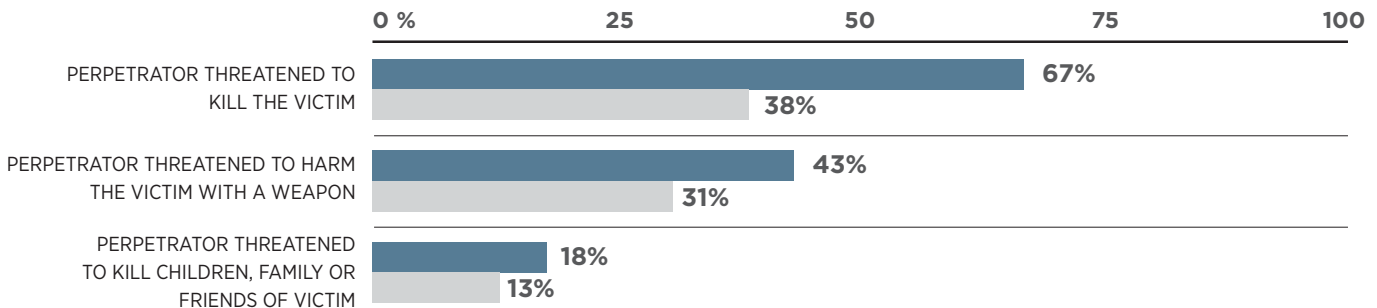
In stalking cases reviewed by the Project, perpetrators were more likely to have made threats to kill the victim, with the threat to “hunt down” and kill the victim noted in several cases. They were also more likely to threaten the victim with a weapon. Frequently, the weapon used to threaten the victim was a firearm, which was subsequently the method of victim death in 67 percent of stalking cases reviewed by the Project.

Intimate partner stalkers are not only dangerous to their intimate partners, but to themselves and others as well. In reviewed stalking cases, prior to the homicide, 18 percent of perpetrators threatened to kill their victims’ loved ones, including children, family members and friends. Perpetrators in reviewed stalking cases were also nearly twice as likely to wound themselves or people other than the intimate partner, including the victims’ children, family members, or new intimate partner, during the incident.

In one reviewed stalking case, the perpetrator threatened to kill the victim and her 18-year-old daughter because he knew the victim was especially close to her daughter. He said, “I’ll get you when you least expect it. I’ll kill you and your daughter. I’ll shoot you both dead. I could be in the woods and you would never know I’m even there!” The perpetrator also threatened to burn the house down with them inside.

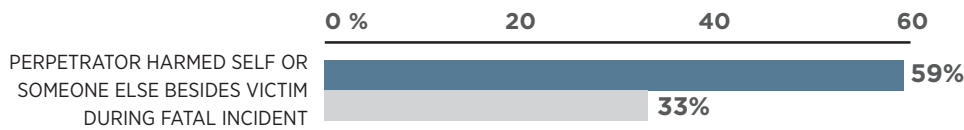
In 44 percent of stalking cases reviewed by the Project, the perpetrator had a history of threatening or attempting suicide prior to committing the homicide or murder-suicide. In several reviewed stalking cases, perpetrators stated they would kill themselves if their victim ever left them. Threats of suicide are sometimes used only as a means of intimidating the victim. However, more often than not, threats of suicide signal a person who is depressed and dangerous. In 34 percent of stalking

**9 PERPETRATOR’S THREATS TO HARM**





## 10 PERPETRATOR'S HARM TO SELF OR OTHERS



cases reviewed by the Project, the perpetrator had a history of depression. In combination, depression, suicidality and domestic violence can be lethal — not only for the suicidal perpetrator but also for the victim and other family members. Perpetrators in reviewed stalking cases completed suicide after killing the victim at nearly twice the rate of non-stalking cases. (You can read more about the suicide-homicide connection in the 2016 Georgia Domestic Violence Fatality Review Annual Report, available for download at [georgiafatalityreview.com/reports](http://georgiafatalityreview.com/reports).)

Property damage is also a common intimidation tactic used by intimate partner stalkers. Researchers suggest that between one-quarter and one-third of stalking cases also involve property damage (Baum et al. 2009; Stark 2012). In reviewed stalking cases, multiple victims experienced their partners smashing car windows or intentionally causing a vehicle crash. In one reviewed case, the perpetrator had a history of disabling both of their automobiles by removing the spark plugs, preventing the victim from leaving after a verbal or physical attack. One stalking victim's ex-husband put sugar in her gas tank just a week before he killed her. Another common form of property damage noted in reviewed stalking cases involved perpetrators stealing, and sometimes destroying, the victim's cell phone. There were also multiple incidents reviewed which involved the perpetrator burglarizing the home of the victim.

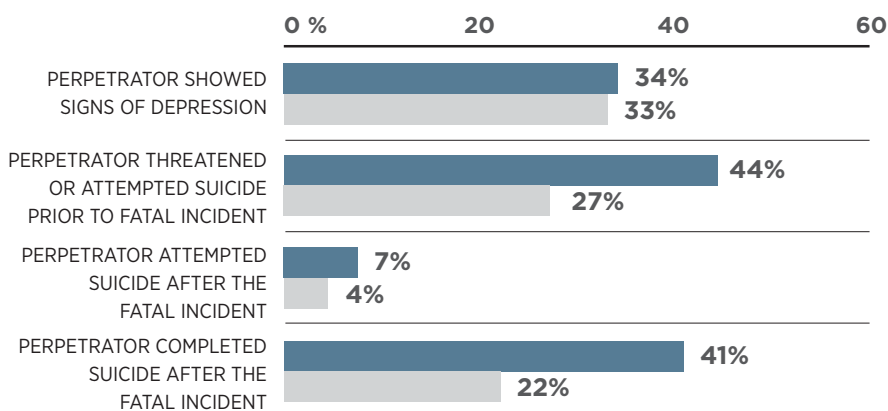
### STRATEGY 4: INTERFERENCE

Interference can be defined as any behavior where the stalker is attempting to disrupt the victim's life through sabotage or attack. These disruptions take many forms, but often hinge on physical assault. National research reflects that many victims who experienced stalking by a current or former intimate partner also report having been physically assaulted by their stalker (Mohandie et al. 2006; Tjaden & Thoennes 1998).

In 95 percent of stalking cases reviewed by the Project, the perpetrator had a history of physically assaulting the victim.

When combined, physical violence and stalking are greater indicators of increased risk than either factor alone (McFarlane et al. 1999). It is important to note that in all domestic violence cases, a history of violence is considered to be the strongest indicator of future, and possibly lethal, violence. A previous arrest for abuse is also an indicator for increased risk. However, the lack of a past arrest or lack of documentation of past abuse should never be interpreted as a lack of risk.

## 11 PERPETRATOR'S KNOWN HISTORY OF DEPRESSION AND SUICIDE ATTEMPTS



Strangulation, a dangerous and lethal form of physical assault, occurred in reviewed stalking cases at over twice the rate of non-stalking cases.

Non-fatal strangulation has been identified in multiple studies as a significant risk factor for intimate partner homicide. One study found the likelihood of becoming a homicide victim increased sevenfold for women who had been strangled by their partner (Glass et al. 2008). In 2014, House Bill 911 added language to the existing aggravated assault statute (O.C.G.A. § 16-5-21) to make strangulation a felony offense. This legislation enables law enforcement to charge strangulation as a felony assault and allows prosecutors to address the crime of strangulation more appropriately and seek sentences that reflect the seriousness of the life-endangering offense.

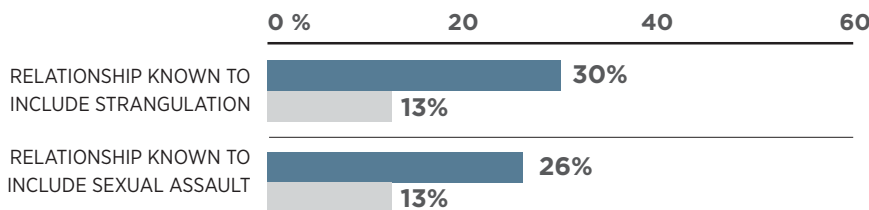
While non-fatal strangulation rarely leaves visible injury, it can result in serious internal injuries that can lead to delayed death if untreated. It can also have serious emotional and physical impacts on victims including PTSD, depression, suicidal ideation, memory problems, nightmares, anxiety, severe stress reaction, amnesia and psychosis (Funk & Schuppel 2003). A study of strangulation conducted by the Georgia Coalition Against Domestic Violence (2013) revealed that 44 percent of intimate partner violence victims who completed a Strangulation Screening and Assessment had been strangled during their relationship. Of those victims, 65 percent indicated that after the strangulation incident, they were afraid, intimidated, or changed their behavior due to fear of it happening again.

Additionally, perpetrators in reviewed stalking cases were twice as likely to have sexually assaulted the victim in incidents prior to the homicide than in non-stalking cases. This finding mirrors the National Violence Against Women Survey which found that approximately one-third of women who reported intimate partner stalking also reported being sexually assaulted by the same partner (Tjaden & Thoennes 1998).

Interference by intimate partner stalkers also includes attacks on the victim’s family and friends. In one reviewed stalking case, the perpetrator attacked anyone who tried to help the victim stay safe. He damaged her friend’s tires, threw a brick through her mother’s window, and broke down the door to her sister’s apartment. In another reviewed case, the perpetrator demanded the victim meet him at a gas station to retrieve some of her belongings. Her family member drove her to the gas station and when they arrived, he attacked the family member’s car with a baseball bat, smashing the windows.

An additional form of interference by an intimate partner stalker may occur when the stalker makes contact with the victim at her workplace for the purpose of hindering and sabotaging employment. In one reviewed stalking case, the perpetrator did not want the victim to work, so he called her numerous times a day at her job. In another case, the perpetrator showed up at the victim’s job with a gun and was known to drive around the parking lot while she was working. In abusive relationships, this tactic not only satisfies the stalker’s need to ensure the victim is economically dependent on him by jeopardizing her employment, but often provides for ongoing surveillance regarding what the victim is doing throughout the day.

**12 PERPETRATOR’S KNOWN HISTORY OF SEXUAL ASSAULT AND STRANGULATION AGAINST THE VICTIM**



## Monica's STORY

Monica and Darryl were in a dating relationship for two years and began living together after several months. Monica was described by her close network of friends and family as an outgoing and fun-loving person; she was considered the life of the party. Darryl's personality was the opposite of Monica's social nature. He was often described as someone who was quiet and kept to himself. At events the couple would attend together, Darryl rarely socialized and would stay very close to Monica.

Darryl was very jealous of other men in Monica's life. In response, Monica went so far as to ask her male friends, coworkers and her pastor not to call her house anymore, telling them Darryl would become enraged when he saw their numbers on her caller ID. Monica's work grew increasingly threatening to Darryl's control; she was being considered for a promotion which would require her to travel more. Monica was even considering relocating to a new city without Darryl. As Darryl's insecurities grew about the relationship, so did his stalking behaviors. He often timed Monica's route to and from work and followed her there on more than one occasion. Darryl also called her frequently while she was there.

Trying to make the relationship succeed, Monica and Darryl received counseling from her pastor, also a close friend of Monica's. Darryl's problem with jealousy was a common theme in the sessions; he admitted to the pastor he had a "crazy jealousy." As the pastor grew concerned for Monica's safety, he told her it was his personal and professional conclusion Darryl had the potential to be violent in his relationship with her.

He was right; Darryl was physically violent with Monica. Her adult daughter, who lived with them at the time, once witnessed Darryl pin Monica to the bed and strangle her. Monica also confided to one of her closest friends that Darryl had been sexually abusive. Monica's pastor encouraged her to separate from Darryl and ask him to move out of the house.

In the weeks leading up to her death, Monica began to tell her close friends she had made a mistake with Darryl and she did not love him enough to marry him. She confided to a coworker she was going to break up with Darryl and ask him to move out of the house. More specifically, as the end of a year approached, Monica decided she was going to give the relationship until January and then end it. While little is known about the end of the relationship, shortly after the new year, Darryl shot Monica multiple times in the chest, ending her life.

During the homicide investigation, Darryl's ex-wife was interviewed. She revealed Darryl had been mentally and physically abusive to her as well, and she ended the marriage because she was tired of his abuse. Just as he had been with Monica, Darryl was overly jealous and suspicious of his ex-wife. He had also strangled her.

The background is a monochromatic blue-tinted image. On the left, a figure is shown from the chest up, wearing a blindfold and a long, draped garment. On the right, a hand holds a pair of scales of justice, with two pans hanging from a central beam. The overall mood is somber and legalistic.

*chapter 2*

# CRIMINAL JUSTICE **INTERVENTION**

Four percent of women and 2 percent of men are stalked each year in the United States (Smith et al. 2017). Based on these prevalence estimates, that means roughly 312,000 Georgians may be stalked each year (Elliott & Lemeshka 2017). It is imperative to explore the issue of victim reporting to determine the scope of the problem in Georgia.

## REPORTING BY VICTIMS

Research shows victims are less likely to report stalking than other crimes. In one study, 35 percent of participants indicated they believed they were victims of stalking, but under half of those (12 percent) contacted law enforcement to report their victimization (Campbell & Moore 2011). Similar numbers were reported in other studies, with just half of stalking victims reporting the behavior to law enforcement (Westrup et al. 1999). Likewise, it is estimated only 41–55 percent of female victims and 37–48 percent of male victims call the police to report stalkers (Baum et al. 2009; Tjaden et al. 2000).

In cases reviewed by the Project, 87 percent of stalking victims made contact with law enforcement, a much higher number than victims in non-stalking cases.

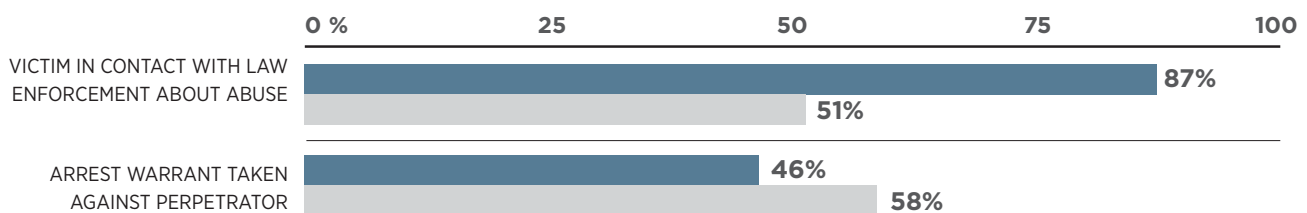
However, only 53 percent of victims in stalking cases who had experienced stalking prior to the fatal incident were known to have reported the stalking behavior to law enforcement.

Importantly, in stalking cases, criminal warrants of any type were less likely to be taken than they were in non-stalking cases.

There are a number of possible explanations for victims not reporting incidents of stalking to law enforcement. Despite our knowledge that intimate partner stalkers are among the most dangerous, victims consistently identify former intimate partner stalkers as less threatening than stalkers who are strangers (Campbell & Moore 2011). It is not uncommon for victims to minimize the behavior of the stalker, particularly in cases of longer-term intimate partner violence, where the victim has a high level of familiarity with the stalker and unhealthy behaviors within the relationship have often become normalized. Even so, many victims of intimate partner stalking are still fearful of their stalker: 54 percent of a study’s participants indicated that they perceived a sense of danger with the stalking behaviors, yet did not report (Campbell & Moore 2011).

Victims may delay reporting stalking behaviors because they do not want to get the perpetrator in trouble. In one stalking case reviewed by the Project, the perpetrator had a history of physically assaulting the victim and showing up at her house uninvited. One day, after violating a no-contact order by showing up at her home, the perpetrator told the victim she was going to die as he loaded his gun and threatened to kill himself. The victim delayed reporting the incident to the police for two days, telling the officer she felt bad about the “legal troubles” the perpetrator already had, which stemmed from a previous felony arrest for assaulting her. The case was assigned to a detective who attempted to make contact with the victim by phone but

### 13 LAW ENFORCEMENT INTERVENTION



was unsuccessful. Two weeks later, the perpetrator killed the victim before completing suicide.

Victims may fail to report stalking to law enforcement because they believe the stalking does not warrant involvement of the criminal justice system. One study found 11 percent of victims were unclear whether a crime occurred, and 27 percent of victims believed the stalking incident was minor or not important enough to report (Baum et al. 2009). Stalking behaviors often occur along a continuum of normal behaviors, making it difficult for victims to determine the point at which a crime has occurred (Nicastro & Cousins 2000; Sinclair & Frieze 2000).

In one reviewed case, whenever the couple was out with friends, the perpetrator would follow the victim to the bathroom and wait for her outside. Were his behaviors protective or abusive? It was difficult behavior for both the victim and the couple's friends to interpret, let alone justify reporting to authorities. Hindsight, after the perpetrator strangled the victim to death, revealed the perpetrator's behaviors warned of his controlling nature.

Further complicating the decision to report stalking behaviors to the criminal justice system is the often-blurred line between socially acceptable behaviors and those constituting criminal acts: Some victims, and their family and friends, may not consider the stalking behaviors to be a crime, but rather just part of an unhealthy relationship (Campbell & Moore 2011). In a Project-reviewed stalking case, the victim's family told homicide investigators that, even though there were times both the victim and perpetrator resided with them, it was difficult to determine when stalking and other abusive behaviors were present. They reported that, even after the victim reported physical and emotional abuse to them, the on-again/off-again nature of the relationship was full of "mixed signals." Neither the victim, nor her family, considered the perpetrator's constant text messages, phone calls and monitoring to be criminal; instead, they wrote his behaviors off as immature.

Research also suggests many victims are afraid to report, or believe law enforcement cannot or will not be able to help them. Victims in one study cited lack of evidence, lack of legal authority, lack of a court order, concern the police would not believe them, and past bad experiences with police among the reasons they did not report the stalking they experienced (Baum et al. 2009). That same study also revealed 6 percent of victims failed to report stalking because they feared the stalker and were afraid of reprisals. Still more victims may not report

because they believe they can handle the situation on their own. In one Project-reviewed stalking case, shortly before her homicide, the victim attempted to assuage her best friend's concerns about her stalker, telling her friend she "had him under control."

The perpetrator in another reviewed case was arrested for an incident in which he flattened the tires on the victim's vehicle, then loaded a firearm and threatened to kill himself. When officers made contact with the perpetrator, he denied having a gun. His firearm was not recovered or accounted for at the time of his arrest. When he was released from custody, special conditions of bond were put in place which precluded the perpetrator from having contact with the victim. The victim moved to a new residence and she filed for divorce. She confided to her attorney that her husband was stalking her, but she did not want to report the contact because she feared he would contest the divorce. Days after they reached a settlement, the perpetrator stalked the victim to her new home and shot her, just before he turned the gun on himself and completed suicide.

When victims contact police about the stalking they have experienced, research shows they feel reassured, and correspondingly safer afterwards, regardless of whether their intimate partner stalker was ultimately arrested (Campbell & Moore 2011). Perhaps this can be attributed to law enforcement's validation of the stalking as a concerning behavior, given the difficulty victims experience in labeling the behavior. Law enforcement contacts also offer a critical opportunity to connect with local resources such as domestic violence advocates, which can be another source of relief.

Given the tenuous nature of victim reporting, the victim's first contact with law enforcement is critical and may determine how or whether the victim continues to work with police (Roberts & Kurkowski 2017 a).

By the time most victims decide to report stalking by an intimate partner, the pattern of stalking behaviors has typically been well established. A national survey of victims found the majority of victims try to deal with stalkers on their own, by first trying to reason with their stalker and later, by ignoring them (Klein et al. 2009). Also in that study, victims reported employing

countermeasures to combat the stalking, including: asking friends for assistance, changing their day-to-day activities, and screening or blocking calls. A different study found women are most likely to ignore their stalkers, change their schedules and carry a spray weapon such as pepper spray; men are most likely to confront their stalker, get back together with the stalker, and alter their daily routines to avoid the stalker (Campbell & Moore 2011). Only 40 percent of victims reported not changing their behavior prior to reporting the stalking to law enforcement (Klein et al. 2009).

## BARRIERS TO CHARGES

Context is key in cases of intimate partner stalking. Unlike the majority of crimes, what criminalizes a stalker's behavior is often the victim's interpretation of it (Campbell & Moore 2011). Intimate partner stalking behaviors often have specific meanings only understood between the stalker and victim. Due to these nuances, what might be otherwise be seen as benign behavior can be interpreted as threatening by the stalking victim (Campbell & Moore 2011). Behavior which may be frightening for the victim may not appear concerning to those responding to the stalking incident (Roberts et al. 2017 b).

Victims who are stalked by a current or former intimate partner may hesitate to classify their offender as truly dangerous. As a result, they are more likely to confront the offender themselves (Hills & Taplin 1998). This action can cause confusion for law enforcement responding to a stalking incident, as the victim's behaviors are often misinterpreted as attention-seeking, or as evidence of desire for contact with the offender. This is not necessarily the case.

As discussed on page 8, Georgia's stalking statute (O.C.G.A. § 16-5-90) excludes the "place or places" where the stalking occurs from including the residence of the offender. In circumstances when the parties are currently residing in the same home or are somewhere on the continuum of separation but have been residing together, the Code section may complicate an arrest decision.

Because stalking is a pattern of activity, it is not out of the norm for the incidents to occur in multiple jurisdictions. While effective inter-jurisdictional collaboration allows for accountability, the simple fact that the criminal act is considered to have taken place in the location it originated, rather than where it is received, is a barrier to justice. Even in telephone or electronic stalking cases, Georgia courts have ruled the

crime occurs in the location where the person speaks, types or emails, rather than where the victim receives it or reports it (Prosecuting Attorneys' Council, personal communication, December 11, 2017). In circumstances where that jurisdiction is not in close proximity to the victim, the issue may affect the victim's willingness or ability to take an active role in the prosecution and cause additional burdens on prosecutors to prove their case and hold the offender accountable.

Connecting the evidence of stalking to a specific offender can also be challenging, particularly in cases where the offender is using third parties, also known as proxy stalkers, to contact the victim. Use of a proxy stalker can be particularly effective at reinforcing fear in a victim, especially in cases where the offender is incarcerated, as it reinforces the perpetrator's ability to continue their stalking even when their behaviors have been addressed by the court. In one reviewed case, the perpetrator used friends to contact the victim, both before and during the time he was incarcerated. The friends made threats to kill the victim and her family members, often calling from unknown numbers. In another reviewed case, the perpetrator used his new girlfriend to contact the victim, in violation of a Temporary Protective Order (TPO) against him. The girlfriend would attempt to negotiate meetups between the victim and perpetrator, acting as relay between the stalker and the victim, and often tried to convince the victim to modify the court-ordered visitation agreements.

In stalking cases where probable cause exists to seek criminal charges, it is imperative law enforcement agencies respond swiftly.

Research shows only 5–16 percent of stalking cases are actually charged as stalking when police have the information they need to charge (Klein et al. 2009; Tjaden & Thoennes 2001). And while the practice of referring victims to seek their own warrants has become less common, it does still occur. Directing victims to seek their own warrants has an adverse effect on victim safety, causing the victim to carry the burden of perpetrator accountability, rather than the State.

In one reviewed stalking case, the perpetrator repeatedly contacted the victim and her new partner by phone and often drove past both of their homes. The perpetrator was notified by the victim to cease contact, but continued to stalk them. When law enforcement responded, the victim was referred to seek her

own warrant. The behavior continued without criminal charges, until the perpetrator eventually stalked the victim to her home, shot her and then completed suicide.

Responding law enforcement must take steps to hold stalkers accountable for their behaviors when court orders that limit contact between stalkers and victims are violated.

Under no circumstances should an officer attempt to mediate an agreement as an alternative to a court order. Such a choice risks emboldening the stalker and reduces the likelihood a victim will seek additional enforcement of the order. Additionally, it violates the intent of Georgia's statute, which provides enforcement options in both civil and criminal realms.

In the case example shared earlier, where the perpetrator used his girlfriend as a proxy stalker, the victim reported the contact to law enforcement. The investigator called the perpetrator and suggested he continue to use only a proxy contact with the victim and refrain from personal contact to avoid further legal action, as the perpetrator was violating the TPO. Sufficient grounds to believe probable cause the perpetrator violated the TPO existed: The perpetrator admitted contacts in violation of the order, but no charges were taken. Eventually, the victim stopped reporting the perpetrator's actions to law enforcement. Unchecked, he continued to escalate, ultimately killing the victim, their children and himself.

## FEATURED RESPONSE

### Clayton County Sheriff's Office Stalking Unit

Given the complicated nature of stalking, specialized units are a growing trend for communities seeking improved outcomes in cases involving stalking. The Stalking Unit of the Clayton County Sheriff's Office provides a great example of how a specialized unit effectively responds to stalking. Formed in 2005, the Stalking Unit's mission is to protect victims and survivors of domestic violence while holding batterers accountable for their actions by providing competent and professional law enforcement services. The Unit seeks to reduce domestic violence-related homicides by way of a proactive approach to stalking cases.



Members of the Stalking Unit of the Clayton County Sheriff's Office, who can be identified by a panther emblem on their uniforms' shoulder patch, each receive specialized training on stalking investigation and law enforcement response. Some of the Unit's members have participated in federal-level training in addition to courses offered at the Georgia Public Safety Training Center. The primary function of the Stalking Unit is the service of Temporary Protective Orders (TPOs) and the enforcement of their provisions. Given that many stalkers continue their behaviors after the issuance of an order, the deputies of the Stalking Unit are well versed in using criminal action to remedy violations of a civil order.

Deputy Nola Carter, the longest-term member of the Unit, describes their approach to TPOs as different from most agencies. Through the creation of a specialized unit, he says they are able to produce results on stalking and TPO issues that would not be possible without such specialization. For example, upon receipt of a TPO, the Stalking Unit's deputies review the parameters of the order. They complete a side-by-side comparison of the new order to any other existing orders pertaining to the same respondent. If conflicts arise in issues such as child custody and visitation, the assigned deputy goes directly to the court to seek clarification on the issue. The deputies also make a point of returning orders to the court when they note that required language or special provisions have been left off the order. In essence, they attempt to address potential issues before they arise.

Deputy Carter says, "We need clarity of the order prior to the execution [of service] because we should never be afraid of placing someone in custody when a condition of a bond or TPO has been violated." Obtaining this level of clarification has allowed the Stalking Unit to all but cease having to say, "This is a civil issue; there is nothing we can do."

The Stalking Unit is also responsible for follow-up investigations in cases where stalking has been alleged. Given that harassment claims are often a precursor to stalking issues, the deputies utilize their skills to assess any developing threats to victim safety, doing their best to both document behavior and address emerging issues as a case crosses the line from harassment to stalking.

Deputy Carter touts the importance of building relationships with the court and other stakeholders as being at the heart of the Unit's success. He notes that these relationships contribute to clarity of the language contained in the order as well as easier enforcement of orders. These relationships benefit other stakeholders, too: Prosecutors and judges often call on the Stalking Unit to provide first-hand testimony about their observations in stalking cases. Securus House, the local domestic violence program, reports improved response to victim safety issues and ongoing success in TPO service.

Given their small staff, comprising only two full-time deputies and a supervisor plus administrative support staff, the Stalking Unit remains busy. Despite common issues such as invalid addresses and evasive abusers, the Unit has a 75–80 percent success rate of TPO service within 72 hours. In 2017, they successfully served 1,349 TPO actions originating in Clayton County, along with many others originating in other jurisdictions. The Stalking Unit handles an average of six to eight new TPO cases each day. The Unit also conducts domestic standbys for property exchange or evictions related to TPOs; handles domestic violence-related warrant service; and will take and maintain firearms for safekeeping at the initiation of TPO cases.

Contributing to the Stalking Unit's successful rate of service is their case preparation. This includes obtaining a photo of each respondent when available, and reviewing criminal histories and recent incident reports before attempting service. They say their detail-oriented research allows them to be effective in "stalking the stalkers," often gathering additional information on locations where the stalker is likely to be found. Deputy Carter says their objective is to locate and observe respondents in cases where the stalker has displayed lethality indicators or has violated a TPO.

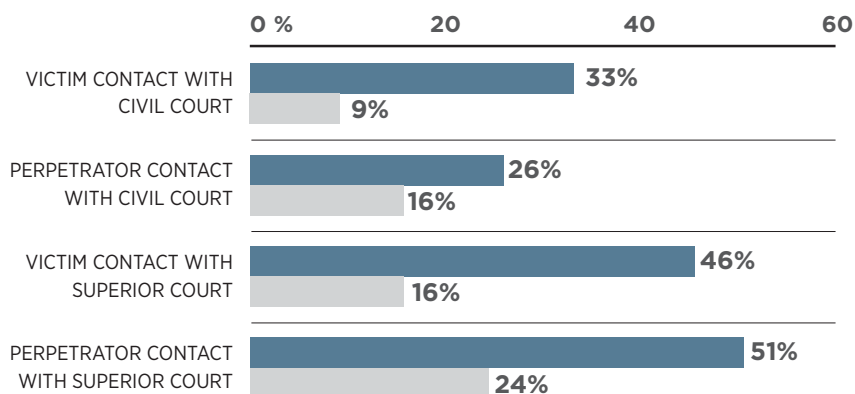
Finally, he says, "In speaking about our unit and what is working, we simply keep at the forefront the words of the Clayton County Sheriff's Office motto: 'We defend those who cannot defend themselves.'"

*chapter 3*

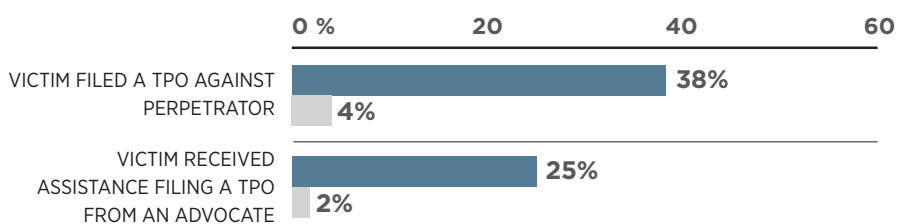
# CIVIL REMEDIES

In stalking cases reviewed by the Project, many victims sought civil remedies to the stalking and abuse they were experiencing. Victims in reviewed cases involving stalking were 24 percent more likely than those in non-stalking cases to be involved with civil courts. Both victims and perpetrators were more than twice as likely to have contact with the Superior Court in stalking-involved cases. A significant portion of Superior Court contacts resulted from the Temporary Protective Order (TPO) process. Victims in reviewed stalking cases were nearly 10 times as likely to file a TPO than victims in non-stalking cases.

#### 14 VICTIM AND PERPETRATOR CONTACT WITH COURTS



#### 15 VICTIM ACCESS TO TEMPORARY PROTECTIVE ORDER



A Temporary Protective Order was in effect at the time of the homicide in 23 percent of reviewed stalking cases.

Although research shows that as many as 70 percent of victims who obtain an order of protection report the TPO ended the violence (Logan & Walker 2009), responders and victims must be aware that obtaining a TPO does not guarantee a victim's safety. It is imperative that victims have an individualized safety plan, even in circumstances when they have a TPO. Sadly, victims were in contact with a domestic violence program in less than a quarter of stalking cases reviewed by the Project.

Stalking victims in cases reviewed by the Project were more likely to be in contact with law enforcement, and were disproportionately more likely to receive assistance filing a TPO from an advocate than were victims in cases which did not involve stalking. Tragically, these are the stalking victims who were attempting to utilize the civil services and remedies available to them but still lost their lives. These fatal incidents are often a source of frustration and anger for both those who knew the victim personally, and system responders who worked with the victim professionally. When victims do all that the system asks of them and yet they are still not safe, the urgent need to analyze barriers and improve the systemic response to stalking is ever more present.

## BARRIERS TO ACCOUNTABILITY AND SAFETY WITH CIVIL REMEDIES

Stalking victims turn to the civil justice system for relief, so we must ensure that granted relief is carried out and must evaluate how our systems are handling violations of court mandates.

In 74 percent of reviewed stalking cases, a Temporary Protective Order was violated prior to the fatal incident. These incidents signal missed opportunities to hold perpetrators, who subsequently went on to kill their victims, accountable for ongoing abuse.

Courts must ensure they have specific protocols in place to minimize the likelihood the victim will be subjected to ongoing abuse by the perpetrator through the legal system. In one reviewed stalking case, the victim was granted a TPO against her abuser after he made ongoing threats against her with a firearm, made constant harassing phone calls and often showed up at her work. He also slashed her tires, broke her windshield and keyed her car. Given the escalation in stalking, the victim made the decision to relocate out of the county the parties were both separately residing in. She moved into an apartment complex and her abuser soon followed; not only attempting to obtain an apartment at the same complex where she was now living, but also filing a TPO against her, alleging she was abusing him. Ultimately, his case against the victim was dismissed when he failed to show up for court.

In another reviewed case, despite that the victim had successfully obtained a TPO against him, the perpetrator constantly called the victim, went to her office, followed her to friends' houses and called her family members, often accusing her of cheating on him. The victim filed a motion for contempt of the TPO. In retaliation, the perpetrator filed a motion for contempt against the victim, alleging she had contacted him and asked for child support. At a follow-up hearing, the victim's 12-month TPO was issued, but the court found neither party was in contempt, due to mutual contact between the parties. The court took no action on the ongoing stalking, because the victim had made contact with the perpetrator to ask for money. Shortly thereafter, the perpetrator again filed a case with the court, this time asking for a modification of the TPO. The perpetrator dismissed his action a week later, prior to a hearing.

Although there is little data on the frequency of harassing court filings, sometimes referred to as vexatious litigation, use of the court to harass victims of intimate partner violence and stalking appears to be commonplace. This practice calls for courts to address abusive litigation, particularly in stalking-related intimate partner violence cases where a perpetrator may also utilize a court date to place a victim, who has been in hiding, under surveillance. Additionally, court dates are often a catalyst for contact between the intimate partner stalker and victim, so extraneous court dates should be eliminated when possible. In one reviewed stalking case, the perpetrator convinced the victim to meet and discuss their relationship as well as the court case that was scheduled later that day. When the parties met, the perpetrator stabbed the victim multiple times, ultimately killing her.

These incidents draw us back to a long-standing recommendation of the Project: Language contained in Temporary Protective Orders must be specific and actionable.

Clear language in orders reduces the likelihood of future incidents of abuse, including stalking. For example, if an order includes a generous restriction on the respondent's proximity to the victim, ability to relocate near the victim is also restricted. This clarity would have addressed an issue which was present in our previous example of the abuser who planned to relocate to the same apartment complex as the victim. Most apartment complexes are no larger than a quarter-mile across, so requiring the perpetrator to be at least 500 yards away (.28 miles) from both the victim and her current and future residences would minimize the risk of her abuser obtaining a residence in the same location. Subsequently, this practice would reduce the likelihood of intentional or accidental contacts between the parties.

Further, ambiguous language in TPOs leaves law enforcement without the tools they need to hold abusers accountable in a swift manner. Specific language increases the likelihood that criminal violations could be used to enforce an order, rather than a motion for contempt. Leaning on criminal enforcement of these orders in lieu of civil accountability has multiple benefits for victims. Firstly, the burden of offender accountability does not fall on the victim but on the State of Georgia in criminal cases. Secondly, criminal warrants can be taken and an abuser can receive new sanctions which may immediately restrict his ability to impact the victim's safety,

whereas civil motions require service and court appearances prior to relief for the victim. Thirdly, criminal violations, even at the misdemeanor level, carry potential incarceration for 12 months or more, rather than the 20-day maximum permitted in matters of contempt. The difference in response times between civil and criminal accountability could mean the difference between life and death for a victim.

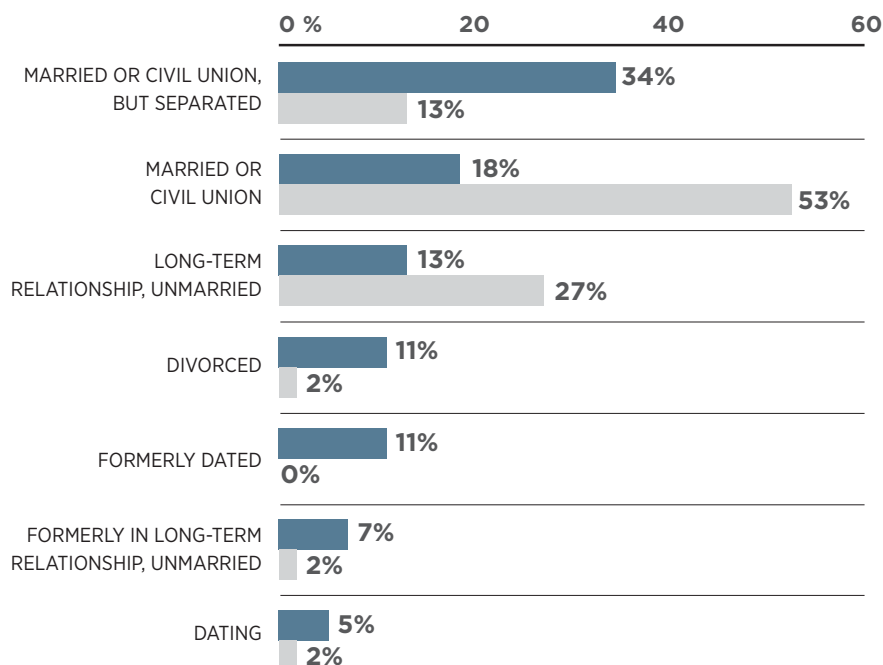
Specific language in orders becomes increasingly important in circumstances where the parties have mutual minor children, as was the case in 56 percent of stalking cases reviewed by the Project. Children often represent the tie that binds a victim and perpetrator together post-order, often requiring them to have some level of contact at custody exchanges or extracurricular events. In one reviewed stalking case, at her TPO hearing, the victim requested her children be excluded from the order. The perpetrator regularly used the children’s extracurricular activities to place the victim under surveillance, often dressing in dark clothing and staying out of the victim’s view while at the athletic field. Later, the perpetrator’s stalking behaviors escalated, ultimately causing the victim to return to court to request the children be included on the order. Special attention must be paid to outlining these likely points of contact within court orders, TPO or otherwise, to minimize the risk of future harm.

Children should be listed as protected parties on TPOs and visitation arrangements should be specifically outlined on all orders, to minimize issues at child custody exchanges. In

one reviewed stalking case, after obtaining a TPO on which the children were left off as protected parties, the victim’s experience of visitation exchange was consistently challenging and enforcement of the order was difficult. Despite reports to law enforcement that the perpetrator was contacting the victim in violation of the order, he was not arrested. When he refused to return the children from his visitation, the victim called the police. After reviewing the custody agreement, an officer informed the victim the order did not state which parent got the children on which weekend, so they were unable to take immediate action. Swift enforcement of an order hinges on clear language being incorporated into its provisions. Lack of enforcement of court orders and accountability for the perpetrator only emboldens his stalking and abuse.

Perhaps the greatest barrier to accountability for offenders is present in circumstances where the parties have been involved in a dating relationship but do not meet the qualifications for Georgia’s Family Violence statute (O.C.G.A. §19-13-1), meaning they have not resided together, nor had children together, nor been married. When a relationship does not meet these requirements, the perpetrator’s actions fail to qualify for federal firearms prohibitions, such as the Lautenberg Amendment to the 1968 Gun Control Act (18 U.S.C. § 922(g)(9)). The Lautenberg Amendment prohibits those convicted of any felony or a misdemeanor crime of domestic violence, or those under a qualifying protective order from owning or buying firearms. Absent the creation of local regulations, if a couple is merely in

## 16 RELATIONSHIP STATUS AT THE TIME OF THE HOMICIDE



a dating relationship, there are no laws prohibiting a potentially lethal perpetrator from obtaining or maintaining a firearm.

The failure to remove firearms from known abusers simply because they have not married the victim, had a child with them or resided together, has been referred to as the “boyfriend loophole” in recent coverage of this issue by the New York Times (2017). Eight percent of victims killed in stalking cases reviewed by the Project passed through this relationship loophole. Although the “boyfriend loophole” exists in our state, Georgia can take proactive steps to close the loophole and reduce intimate partner homicides.

There are 22 states which offer Temporary Protective Orders for dating partners that include firearms restrictions. Those restrictions were linked to a 10 percent decrease in intimate partner homicides and a 14 percent reduction in intimate partner homicides committed with firearms (Editorial Board of the New York Times 2017).

## PROTECTIVE ORDERS OFFER UNIQUE OPPORTUNITIES FOR RELIEF

Georgia courts are equipped with multiple tools to address stalking; victims can petition the court for relief under either a Family Violence Temporary Protective Order (Family Violence TPO) or a Stalking Temporary Protective Order (Stalking TPO). Though both orders offer similar aid, victims seeking a TPO against a current or former intimate partner stalker may find a Family Violence TPO offers more opportunities to address the stalking behaviors than its counterpart, the Stalking TPO. The standard language of a Family Violence TPO includes protections for custody and visitation, financial support, and requires the judge to address Family Violence Intervention Program (FVIP) participation for the intimate partner stalker. These provisions are absent from the standard language and requirements of the Stalking TPO.

Perpetrators in stalking cases reviewed by the Project were 12 percent more likely to threaten the victim with a weapon than

perpetrators in non-stalking cases. In one reviewed stalking case, the victim described a course of conduct in her TPO Petition which included that the perpetrator entered her home without permission, pushed her down, destroyed her property, and made threats to cause her harm. The victim informed the court the perpetrator had told her he had a firearm and he carried it in his car. In that case, the court did not address firearms specifically in the TPO, missing a vital opportunity to require firearms surrender. Two weeks later, the perpetrator stalked the victim in a parking lot and shot her multiple times using the gun she had requested be removed from him.

Regardless of the type of TPO filed, if the parties meet specific relationship criteria, including past or present spouses, parents of the same children, or people who currently or previously resided together, they qualify for protections which prohibit possession of firearms by the abuser under federal law (18 U.S.C. § 922(g)). Ensuring this provision is indicated on the order, as well as incorporating additional relief to address firearms access, is of vital importance.

Currently Georgia law remains limited on direct provisions for restricting abusers from legally possessing firearms. Mirroring the federal restrictions in the Georgia Code would put provisions in place to restrict gun ownership for individuals who have been convicted of a felony, convicted of a misdemeanor crime of domestic violence, or are subject to a qualifying protective order. In instances where a qualifying TPO is in place, these provisions would also require surrender of firearms and allow for standardized language regarding firearms surrender to be added to the TPO form. Requiring TPO respondents to turn over their weapons may also provide limited authority to search for weapons, potentially addressing issues such as when the perpetrator did not turn over the firearm he kept in his car, illustrated in a prior example.

The Project has repeatedly addressed firearms access as a risk factor for victims of abuse. National research indicates the presence of a firearm in intimate partner violence situations increases the risk of a woman being killed fivefold (Campbell et al. 2003). Domestic incidents which involve firearms are 12 times more likely to result in death than those which do not involve firearms (Saltzman et al. 1992).

Fortunately, national research also shows that incorporating firearms prohibitions into protective orders reduces the number of intimate partner homicides. A 2017 study for American

Journal of Epidemiology (Zeoli et al. 2017) found 29 states had laws restricting firearms in domestic violence cases where a TPO had been issued. Those states saw a 9 percent reduction in intimate partner homicides. Further, this study revealed that firearms restrictions which included emergency restraining orders, such as Ex Parte TPOs in Georgia, yielded a 12 percent reduction in intimate partner homicides.

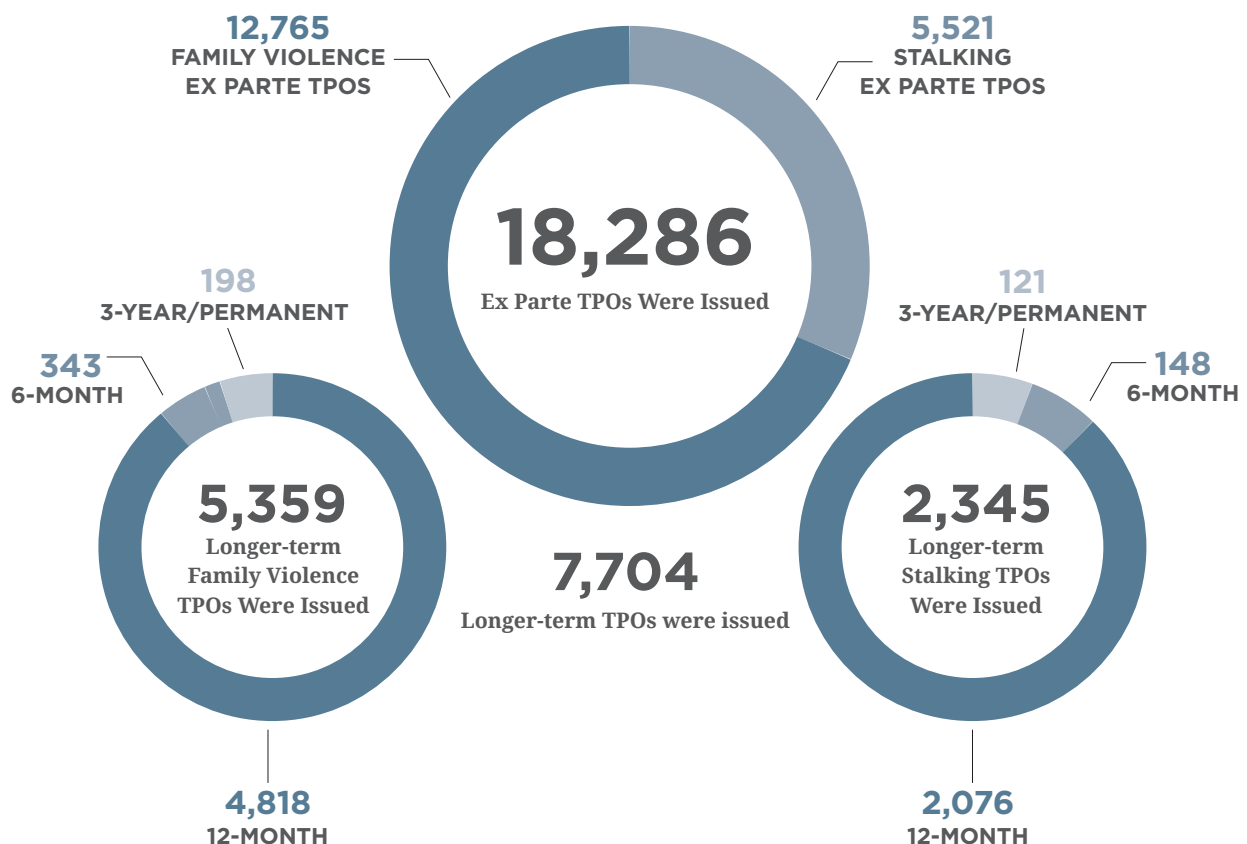
The study also revealed that states with laws requiring abusers who are subject to a Temporary Protective Order to relinquish their firearms were associated with a 22 percent reduction in intimate partner homicides committed using a firearm.

In reviewed stalking cases in which the victim had a TPO in place at the time of the fatal incident, the victim was killed by gunshot in 71 percent of cases. Georgia communities must ensure not only that firearms access is being addressed in TPOs but that, when it is addressed, the provisions of the TPO are also enforced. In one reviewed case, a victim obtained a TPO against the perpetrator after he sexually assaulted and strangled her. The court required the perpetrator to turn over his firearms and ammunition to the local Sheriff's Office, but there were neither specifics provided on when or where that should occur, nor a compliance hearing. The perpetrator never surrendered his weapons, which he later used to shoot the victim and complete suicide.

## TEMPORARY PROTECTIVE ORDERS ISSUED IN GEORGIA: 2016

According to the Georgia Crime Information Center during 2016, there were 18,286 Ex Parte Temporary Protective Orders filed in Georgia, of which Stalking Ex Parte Temporary Protective Orders made up 30 percent. There was no difference in outcomes for

Stalking and Family Violence Temporary Protective Orders, as 42 percent of both types of orders went on to longer-term orders in 2016. There were 2,345 longer-term Stalking Orders and 5,359 longer-term Family Violence Orders issued during 2016.



## *Gail's* **STORY**

Gail and Joseph were high school sweethearts who wed just after graduation. Married for several years, they shared one child together. Throughout their relationship, Gail endured verbal, physical and sexual violence. During their relationship and after their separation, she called the police a documented 20 times and filed for several Temporary Protective Orders (TPOs). Joseph was arrested at least four times for his violence against Gail. Joseph struggled with substance abuse, depression and thoughts of suicide throughout the relationship.

Neither Joseph's arrests nor Gail's TPOs did much to curtail Joseph's use of violence against Gail. He continued to stalk and harass her. He violated special conditions of bonds, conditions of his probation and TPO conditions with little to no consequence. On one occasion, while they were separated, Joseph followed Gail to a home where she was spending time with her friends. He forced his way into the home and pulled a gun on Gail and her friends, threatening to kill them and then kill himself. Gail eventually convinced Joseph to leave, but he went to her house, spray painted her car, entered and vandalized her home, and took her phone.

Following the burglary and vandalization, Gail filed for a TPO which was granted. Two weeks later, she returned home and found Joseph had broken into her home and had fallen asleep while he waited for her to return. Law enforcement responded but no arrest was made. Gail was advised to obtain a copy of the incident report and file for a warrant herself. Another two weeks later, Joseph returned to Gail's house and demanded she

let him in; when Gail refused, he kicked the door in and entered the home. He yanked the phone from the wall before Gail could call the police. She ran outside to call 911 from her cell phone and Joseph followed and slammed her into the car door. He was later arrested for this incident. One of Gail's neighbors witnessed the attack and heard Joseph say, "I'll kill you, bitch."

Joseph's stalking behavior continued to escalate in the following months. He entered Gail's home through a back door, using a key he still held. He called her and drove by her home constantly. When he could not reach her, Joseph would call other people to find out where she was. He also sent her several letters with pictures of him. Gail called the police to report these repeated contacts as violations of the TPO conditions. She told the responding officer she was in fear for her safety and the safety of her child because Joseph was coming by the house daily and had told her he would "hunt [her] down and kill [her]."

Eventually, Joseph filed for divorce and Gail hired an attorney to represent her. She disclosed to her attorney she believed Joseph would kill her. Even though Joseph had been the one to file for divorce, he had made it clear that he would not allow Gail to leave the relationship. He told her, "I will kill you before I let you divorce me." Shortly before her death, Gail told her best friend that she wanted to start her life over without Joseph and had started seeing someone new. Joseph's violence against Gail continued to escalate as he realized she was serious about moving on with her life, without him. One fateful day, Joseph broke into Gail's home and fatally strangled her.





*chapter 4*

# RESPONDING TO **STALKING**

While stalking is a complex and contextual issue, there are many factors common to intimate partner stalking cases which actually increase a community's ability to respond effectively: There is a known victim, a known offender, a known history of set locations at which the acts are likely to occur, and a significant amount of evidence (Roberts & Kurkowski 2017 b). To maximize victim safety and offender accountability, communities must work collaboratively from the time the stalking incident occurs through the enforcement of any civil or criminal orders.

At the heart of collaboration to address intimate partner stalking is protocol development, which outlines how collaborating partners will respond to stalking. Effective stalking protocols are designed to encourage early intervention, outline agency and organization roles and response, institutionalize best practices, and encourage a coordinated community response. Protocols must also be victim-centered and safety-focused. The foundation of an effective response begins with active victim involvement, input and cooperation. The National Center for Victims of Crime's "Creating an Effective Stalking Protocol" (2002) reminds us:

Evidence collection starts with the victims. Only victims can provide the information to demonstrate a pattern of harassment and its effects. Only victims can detail the contacts made by the stalker in person, through voicemail, letters, faxes, email or unwanted gifts. Only victims can describe the fear they feel as a consequence of the stalker's behavior. If victims are viewed and treated as partners, it is much more likely that prosecutors will end up with the evidence needed to convict perpetrators.

In order to have an effective, community-wide response to intimate partner stalking, training, protocols and procedures must be developed and institutionalized. In addition to working collaboratively through local domestic violence task forces, responders must also adhere to best practices within each of their disciplines to ensure outcomes will improve both victim safety and offender accountability.

Effective response requires that each individual and agency responding to stalking behaviors have a baseline of knowledge on the dynamics of intimate partner stalking. From friends and family, to 911 dispatchers and law enforcement, through advocates and courts, including counselors, clergy, and many others who are in contact with victims and offenders,

responders must gather information from many sources, seeking a clear view of the "big picture" of stalking (National Center for Victims of Crime 2002).

In terms of collaborative response to victims, each responder has an obligation to improve victim safety. Each responder must ask themselves: What can I do to help the victims corroborate their reports? Where can I guide the victim to look for information? How can I document what has been reported so that it sets the tone for offender accountability? (Roberts & Kurkowski 2017 b)

Connecting victims of intimate partner stalking to a domestic violence advocate is crucial. Advocates offer two vital services many other responders do not: safety planning and risk assessment. Although any responder is capable of offering these services, advocates can assure victims confidentiality, along with other services, such as shelter, legal advocacy and specialized expertise. Prompt safety planning is necessary in stalking cases. If an advocate is not immediately available to the victim, other responders must fill this role.

A safety plan is a combination of suggestions, plans and responses created to help victims reduce risk of harm (National Center for Victims of Crime 2009). Safety plans take a victim's specific circumstances and experiences into consideration, along with the offender's behavior and the victim's perception of the behavior, and suggests options to mitigate the concerning behaviors. Depending on the relationship status, safety planning can run the gamut from obtaining a Temporary Protective Order (TPO) and remaining in shelter until service has been completed, to keeping a simple stalking log and filing additional reports as needed. Regardless of the action steps, safety plans must be realistic and achievable to be effective.

Because safety plans may encourage a victim to temporarily relocate or change their contact information, all responders should make effort to document additional methods to keep in touch with the victim. Effective stalking response includes follow-up with the victim, empowering them with updates and information on case status. Law enforcement following up with victims should again refer to a victim advocate, particularly when probable cause cannot be established. In those circumstances, it is also important to ensure the victim knows they can and should continue to make new reports each time there is a new incident (Roberts & Kurkowski 2017 b), as irritating or harassing behavior can escalate rapidly to criminal activity (Campbell & Moore 2011).

## DOCUMENTATION

Each responder must document their case files in preparation for the next contact and the next responder's follow-up.

Initial contacts with victims set the stage, but evidence collection is indispensable to an effective stalking response. Immediate, thorough documentation should be considered a required step for all responders, and should be a recommended step for victims as well, when it is safe for them to do so.

Victims should be encouraged to utilize a stalking log to document stalking incidents and behavior. Numerous formats of stalking logs are available for download online, in apps and from websites, and we offer an example on page 44. Although their formats may vary, stalking logs typically focus on the type of incident and a description of what took place, where and when it occurred, who witnessed it, and whether a report was made. Stalking logs assist victims in documenting the behaviors they are experiencing and witnessing in an organized and readily available format for use by law enforcement, prosecutors, or advocates who may be assisting them.

Credibility is key to a successful stalking prosecution and corroborating the victim's statements increases credibility. When safe to do so, all responders should encourage the victim to document communication received from the stalker. Victims can take a screenshot or photograph of incoming phone calls and text messages, or they can request detailed records of their own phone bills and/or download or record their phone messages. Additionally, many social media platforms now

allow users to download a file containing all content from their profile, streamlining the once laborious process of documenting contacts and posts from the stalker.

Supporting evidence collected by the victim may help fill in a spotty timeline of stalking behaviors. Responders should be aware that during interviews, victims may recount the incidents they have experienced out of order and with mixed details. Often, victims tell events in an order based on the emotion or stress each event triggers (Roberts & Kurkowski 2017 b). Take into account strong victim reactions, even if the victim is not expressing fear explicitly. Reactions to trauma and traumatic events vary among victims (Stalking Resource Center 2015 a).

Whenever possible, law enforcement should interview the suspected stalker. It is not uncommon for intimate partner stalkers to want to talk about their victims and do their best to convince others that they are "right" in their behaviors and are being misunderstood (Roberts & Kurkowski 2017 b). The stalker may unwittingly offer additional details about their own behaviors that can be used to strengthen the case against them.

Threat assessments or risk assessments also provide a unique opportunity to document the dynamics of the stalking and determine the level of risk in the future. While many assessments require certification, others are specialized checklists based on the profession of the person completing it. The Stalking and Harassment Assessment and Risk Profile (SHARP), available at [coercivecontrol.org](http://coercivecontrol.org), is a research-informed, web-based tool which focuses wholly on stalking. The 43-point assessment provides a two-part report; one report includes a narrative summary of the stalking behaviors and a risk profile, and a second report provides information about victim safety. The SHARP assessment can be completed by victims or by a responding professional.

During each new victim contact, responders must recall the necessity of documenting repeated acts, a course of conduct, reasonable fear, and the context of behaviors (Roberts & Kurkowski 2017 b). Responders should maintain an awareness of tactics which are being used by stalkers to monitor their victim, and consistently be assessing what methods of stalking are being used in each case. While there are advantages to charging stalking, including stopping the stalking and building a stronger case if the stalking continues (Roberts & Kurkowski 2017 b) consideration should be given to other co-occurring crimes that are present. National research reflects that among

stalking cases, 24 percent involve property damage, 21 percent involve a direct attack on the victim, and 15 percent involve an attack on another person or pet. Identity theft is also a common occurrence in stalking cases according to national research, with 54 percent of victims reporting they had accounts opened or closed by their stalker, 52 percent reported the stalker took money from their accounts, and 30 percent of stalkers charged items to the victim's credit cards (Roberts & Kurkowski 2017 a).

## ADDRESSING RECIDIVISM

Though multiple studies have suggested varying rates, researchers unanimously raise concerns as to the high rate of recidivism among stalkers. Recidivism, or the tendency of a criminal to reoffend, is present in 60–81 percent of intimate partner stalking cases (Eke et al. 2011; Mohandie et al. 2006). “Predictors of Recidivism by Stalkers: A Nine-year Follow-up of Police Contacts” (Eke et al. 2011) examined predictors for stalking recidivism and violent recidivism in a follow-up of perpetrators who had received a law enforcement-conducted threat assessment. Their nine-year study found while at least one recidivist incident occurred in more than four out of five cases, 60 percent of intimate partner stalkers had at least one additional incident of stalking reported, and the use of violence in incidents was at a rate of 37 percent. The study also noted most reported violent recidivism was against an intimate partner, either the victim in the original report or against a new partner.

The study found stalkers who went on to recidivate with one or more acts of stalking were more likely to have a lengthy or significant past criminal or mental health history. It comes as no surprise that stalkers had a surprisingly large number of police contacts as both suspects and complainants. In fact, in the Eke study, 76 percent of intimate partner stalkers had a criminal history. Even in cases where the stalker had no prior criminal history or

mental health diagnosis, over half of the offenders recidivated.

Another related study found the time between intervention and a recidivist incident to be approximately two months (Mohandie et al. 2006). The Project has not historically collected data on recidivism, but it is known that 48 percent of perpetrators in reviewed stalking cases had a violent criminal history and 23 percent had been in contact with a mental health provider in the five years prior to the homicide.

Prior intimate partner stalkers are the most likely to recidivate, fail on conditional release, engage in both violent and non-violent reoffending, and commit new stalking offenses (Eke et al. 2011).

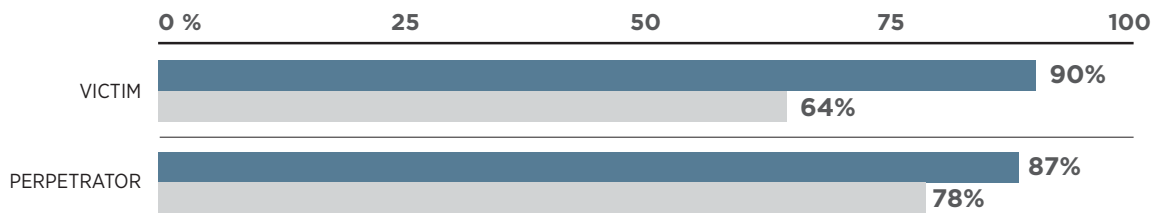
Given the high rate of recidivism and of other crimes co-occurring with stalking, requests should be made and granted that limit the stalker's ability to have contact with the victim. Courts should prioritize the issuance of special conditions of bond and of criminal protective orders, when allowable. When these restrictions are in place, ongoing monitoring is also called for.

Additionally, whenever possible, responders should obligate perpetrators of intimate partner stalking to participate in a Family Violence Intervention Program (FVIP). FVIP is a 24-week program designed to prioritize victim safety and rehabilitate family violence offenders by holding them accountable for their abusive behaviors. More information about these State-certified programs, which exist throughout Georgia, can be located at [gefv.georgia.gov/family-violence-intervention-programs](http://gefv.georgia.gov/family-violence-intervention-programs).

## RESPONDING TO STALKING: RECOMMENDATIONS

Many systems in Georgia are already employing best practices to address intimate partner stalking and improve victim safety and offender accountability. Those systems should continue their important work and mentor others who are seeking to increase and strengthen their own response. We encourage systems seeking ongoing improvement to incorporate the following recommendations into their work to enhance their response to intimate partner stalking.

## 17 CONTACT WITH LAW ENFORCEMENT



### Recommendations for Law Enforcement



- When responding to any type of case, in any contact where a victim reports harassing behavior, consider the possibility of a stalking case. Determine whether it is an isolated incident or repeated conduct.
- If stalking is identified, provide the victim with resources and brochures for local supportive services. Connect the victim to an advocate at a local domestic violence program and provide them with Georgia’s statewide 24-hour domestic violence hotline: 1-800-33-HAVEN.
- At subsequent calls for service, look for escalation. Ask the victim what has changed since the last call. Connect the dots to previous calls in your report and check in with others involved in the case.
- Conduct victim interviews in private or with an advocate. Maintain a nonjudgmental attitude during the interview. Use techniques that build rapport with the victim and demonstrate your concern and care.
- During all contacts with victims (Roberts & Kurkowski 2017 b):
  - + Obtain excited utterances.
  - + Avoid stopping the victim in the middle of explaining an incident. You can always go back and correct the timeline of events.
  - + Obtain the basics: who? what? when? where? and, most importantly in stalking cases, why?
  - + Ask open-ended questions such as “And then what happened?” and use statements such as, “Tell me more about that.”
  - + Listen closely to victims and document everything they report, even if it sounds unbelievable.
  - + Take precise notes and use quotations in incident reports when possible.
- + Develop the context of the stalking. Ask victims why they are afraid, even if their fear appears unreasonable.
- + Consider obtaining a handwritten statement. If the victim changes her mind about prosecution, the statement may prove helpful in an evidence-based prosecution.
- Interview the suspect at home when possible. Be observant: Take note of his vehicle, what type of phone(s) and computer(s) he uses, presence of cameras, journals which may detail the stalking, and photos or videos of the victim. Use search warrants for the suspect’s residence, vehicle and workplace when appropriate.
- Prepare for the future of your case by preserving evidence of stalking behaviors at each and every contact.
  - + Take photographs of text messages or written communications.
  - + Photograph any items that have been vandalized, damaged or written on.
  - + Collect any physical evidence, such as items left for the victim.
  - + Ask victims if they have reported the issues to anyone else, police or otherwise. Obtain contact information for others who may have been informed of the issues.
  - + Guide the victim to look for information in phone records and emails. Encourage the victim to use a stalking log and to identify witnesses who can corroborate the stalking behaviors.
- Consult with a prosecutor to determine additional evidence that may be needed.
- Address the suspect’s firearms access at all contacts.
  - + Collect information on firearms access from both the victim and offender.

- + Offer “keep and maintain” opportunities both in response to Temporary Protective Orders and in cases where the perpetrator agrees to safekeeping when no order is present.
- + Work with community partners to develop a firearms surrender protocol.
- Investigate co-occurring incidents, such as vandalism, burglary, or violation of a protective order, to determine if the behaviors establish a course of conduct.
- If the victim is still engaging with the stalker, understand this may be the best way for the victim to remain safe.
- If you are unable to determine probable cause, take time to discuss how to document and report the offending behavior with the victim, so that you may build a case.
- Assess whether any court orders have been violated. If they have, take swift action to enforce the order. Never mediate an alternative to a court order involving the parties.
- Obtain additional contact information for victims. Ask about other locations they might be staying if they had to leave their home for safety. Document the additional contact information on a protected portion of the incident report, if there is a concern the location should be shielded.
- Consider using appropriate threat or risk assessments which can be implemented in your practice, including Jacquelyn Campbell’s Danger Assessment ([dangerassessment.org](http://dangerassessment.org)) or the Ontario Domestic Assault Risk Assessment (O.D.A.R.A.) ([odara.waypointcentre.ca](http://odara.waypointcentre.ca)).
- Ensure other involved responders have knowledge of the offender’s stalking behaviors. Provide incident reports pertaining to stalking to probation and community supervision officers that are supervising the offender.

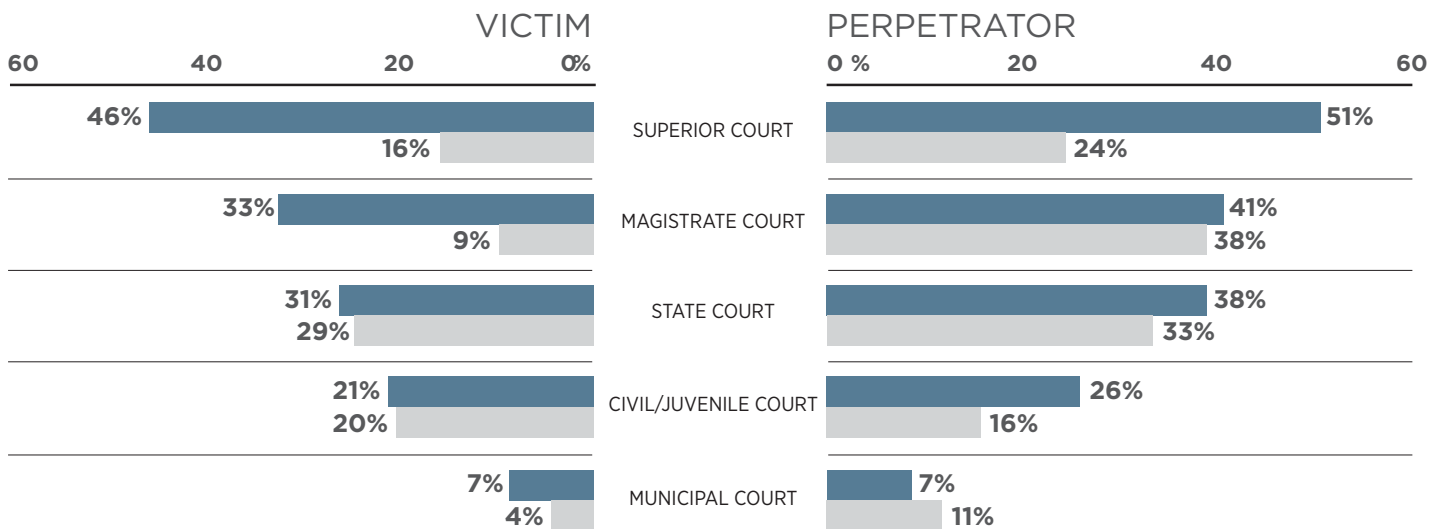
#### Recommendations for Court Systems, Judges and Judicial Personnel



- Recognize many threats made by intimate partner stalkers are often implicit and appear benign to outsiders. Consider the context of the stalking and why the behavior could be frightening or distressing to the victim.
- Consider the defendant’s past behavior toward the victim in any bond or release conditions. Understand even if the defendant has no other criminal history, the defendant can still pose a threat to the victim.
- Consider developing a domestic violence court and/or domestic violence accountability court dates. Hold Compliance hearings on firearms issues and Family Violence Intervention Program (FVIP) attendance.
  - + Information on best practices pertaining to domestic violence courts can be found in “Georgia Domestic Violence Courts Best Practices” developed by the Judicial Council-Administrative Office of the Courts and the Georgia Commission on Family Violence. The guide is available for download at [gcfv.georgia.gov/georgia-domestic-violence-courts-best-practices](http://gcfv.georgia.gov/georgia-domestic-violence-courts-best-practices).
- Develop protocols for response to abusive or retaliatory filings by intimate partner stalkers. Note on the record that the action is believed to have been retaliatory and dismiss the case with prejudice.
- Realize intimate partner stalkers may use children in common with the victim as justification for stalking behavior. Be aware their strategy for maintaining contact and control may include indicating they need to have contact with the victim to discuss and co-parent the children.
  - + Include children as protected parties on Temporary Protective Orders so they receive protection during the victim’s parenting time.
  - + Discourage the practice of the stalker providing technology, such as cell phones for the children. Instead, require the stalker to provide the victim compensation for purchase of technology to decrease the likelihood of electronic stalking.
  - + Develop safe public visitation exchange locations. Be aware not all law enforcement precincts are staffed at all times and may not be an ideal exchange location. Consider developing funding for a safe or supervised visitation exchange location.

- + Encourage the victim and stalker to develop third-party resources who can conduct custody exchanges on their behalf.
- + Outline specific remedies for addressing financial support, such as use of Child Support Services, a Family Support Registry or a safe mailing address for the victim.
- Ensure up-to-date Family Violence and Stalking Temporary Protective Order (TPO) forms are provided to victims seeking relief. When the parties meet the required relationship criteria, encourage the filing of Family Violence TPOs over Stalking TPOs, as they allow for additional relief.
- Craft orders that are safety-focused and encourage accountability.
  - + Whenever possible, obligate intimate partner stalkers to participate in a Family Violence Intervention Program (FVIP).
  - + Require large distances of separation for the stalker
- from the victim and their frequent locations. Consider restrictions of 500 yards or more.
- + List specific dates of visitation or attach a calendar which outlines the visitation schedule.
- + Include detailed language about what qualifies as third-party contact or relaying of information, and list prohibited relationships and locations with which the stalker must refrain from contact.
- Explain that violation of orders is subject to criminal or civil penalty, even if the contact is “allowed” by one of the parties. At the time of a final Temporary Protective Order hearing, encourage victims to seek extensions of their orders in the event of ongoing safety concerns.
- Develop safety procedures such as staggered leaving from the courthouse, with the victim leaving in advance of the perpetrator.

18 VICTIM AND PERPETRATOR CONTACT WITH COURTS

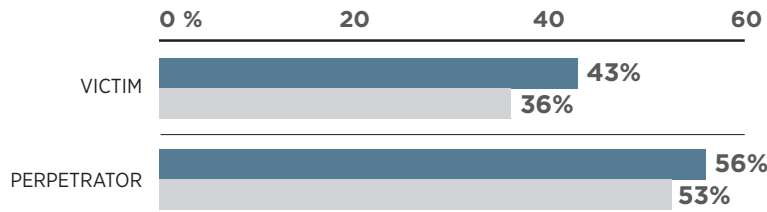


Recommendations for Friends and Family



- Contact a domestic violence program for support and guidance as you provide assistance to a friend or family member who is experiencing abuse and stalking.
- Remind the victim you are there for her, even if you do not understand what she is experiencing.
- Do not attempt to limit the victim’s contact with her abuser, even if you do not approve of the relationship. Hard-line rules about contact may add to feelings of isolation for the victim and may reduce the likelihood she will share information about future abusive incidents.
- Encourage the victim to contact a domestic violence program for safety planning and supportive services.

19 CONTACT WITH PROSECUTION

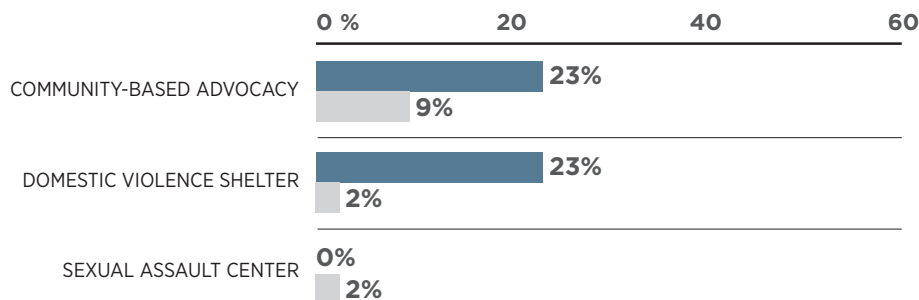


Recommendations for Prosecutors and Victim Witness Advocates



- Consider any and all applicable charges to best hold the offender accountable. Even if there is not enough evidence to uphold a stalking case, charge what is appropriate. Many stalkers are serial offenders, and charges will build an offense history and pattern of conduct (Stalking Resource Center 2015 b).
- Consider the defendant’s past behavior toward the victim in any bond or release conditions. Be aware lack of prior criminal history does not indicate risk to the victim ceases to exist.
- Ensure other responders have knowledge of the offender’s stalking behaviors. Provide information on the originating offenses and stalking behaviors to probation and community supervision officers who will be supervising the case post-sentence.
- Obligate perpetrators of intimate partner stalking to participate in a Family Violence Intervention Program (FVIP) and give preference to no-contact orders over no-violent-contact orders.
- Maintain regular contact with victims to conduct safety checks and to offer advice on how they can best document the offending behaviors to help build a stronger case. Make contact with the victim prior to court if there are provisions in place, to verify there has been no contact by the stalker.
- Obtain multiple methods of contact for victims, including friends or family members who will know how to reach them, even if they change their own contact information.
- Provide warm referrals to domestic violence advocates for ongoing supportive services and safety planning. Make brochures and materials on domestic violence program services available in prosecution offices.

20 VICTIM CONTACT WITH ADVOCACY PROGRAMS





### Recommendations for Domestic Violence and Sexual Assault Advocates



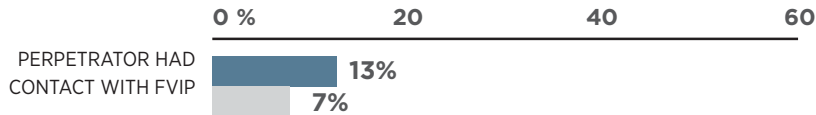
- Conduct thorough risk assessment and safety planning with the victim, including addressing any electronic abuse they may be experiencing. Consider use of appropriate threat or risk assessments which can be implemented in your practice, including Jacquelyn Campbell's Danger Assessment ([dangerassessment.org](http://dangerassessment.org)) or Gavin de Becker's DV MOSAIC ([mosaicmethod.com](http://mosaicmethod.com)).
- When working with survivors who are experiencing surveillance and technology abuse, utilize the "Technology Safety Plan: A Guide for Survivors and Advocates" from the National Network to End Domestic Violence and other resources available in their toolkit, "Technology Safety & Privacy: A Toolkit for Survivors" available online at [techsafety.org/resources-survivors](http://techsafety.org/resources-survivors).
- Collaborate with other responders, such as law enforcement and prosecution, to educate victims about the ongoing dynamics of stalking cases and what documentation may be required if they choose to seek legal action against their intimate partner stalker.
- Collect information on firearms access from both the victim and offender, including locations where weapons are stored.
- Develop a plan to document the pattern of stalking and preserve existing evidence. Guide the victim to look for information in phone records and emails, and identify witnesses who can corroborate experiences. Encourage the victim to consider video surveillance if out of the relationship with the stalker. Encourage use of a stalking log, such as the one included on page 44.
- Maintain ongoing contact with the victim for periodic safety checks outside of times of acute crisis.
- Conduct an evaluation of the Temporary Protective Order process to determine whether it is victim-centered and whether relief requests are comprehensive. Ensure up-to-date Temporary Protective Order forms are being provided and utilized by Pro Se victims.
- When processing violations of existing orders with victims, encourage criminal accountability rather than civil contempt, when appropriate. Assist the victim by making a warm referral to law enforcement if criminal action is pursued.
- Avoid implementing restrictive policies that control or limit survivor access to cell phones, social media or other technology. Instead, educate survivors about the risks and benefits of technology and safety plan with them (and their children) in an empowerment-based and realistic way.
- When safe to do so, help survivors rebuild connections with support systems, including the use of social media. Evaluate programmatic policies and practices that may hamper the victim's ability to stay connected or reconnect with these key supporters, especially when the victim is utilizing shelter services.
- Include messages in public education and outreach efforts directed to family members and friends. Include definitions of stalking in public presentations to address common misconceptions. Incorporate tips for ways to support a victim, where to call for help, and how to recognize signs of escalating danger, including the risks associated with stalking behaviors.

### Recommendations for Domestic Violence Task Forces



- Implement a court watch program to gain insight into judicial response to intimate partner stalking and abuse.
- Communities should evaluate mechanisms for reducing the likelihood a lethal abuser has access to firearms. Develop a protocol to address firearms access for abusers in your community.
- Invite an expert to speak about stalking awareness and safety at your meeting, training or conference.
- Conduct training to local stakeholders on services available to stalking victims in your community.

## 21 PERPETRATOR CONTACT WITH FAMILY VIOLENCE INTERVENTION PROGRAM

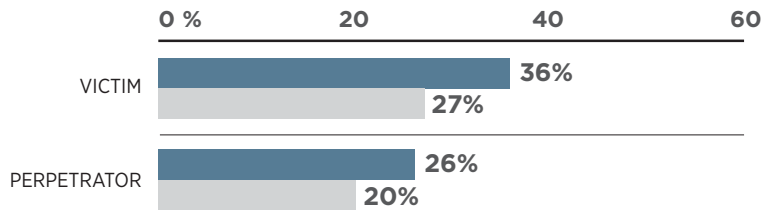


### Recommendations for Family Violence Intervention Programs



- Family Violence Intervention Program (FVIP) facilitators play a key role in recognizing stalking behaviors in the acts of abuse described by class participants. Facilitators must take the time to tease out the stalking behaviors and talk with the class about why stalking is not acceptable.
- Be on the lookout for stalking behaviors when talking with participants about their relationships. Ask for more details when participants mention other parties who may be engaging in proxy stalking for them.
- Prepare to have conversations with participants about how their stalking impacts the victim.
- Incorporate examples of stalking behaviors into your curriculum.
- Discuss the stalking behaviors with the victim liaison, particularly in cases where monitoring may be happening currently.

## 22 CONTACT WITH FAITH COMMUNITY

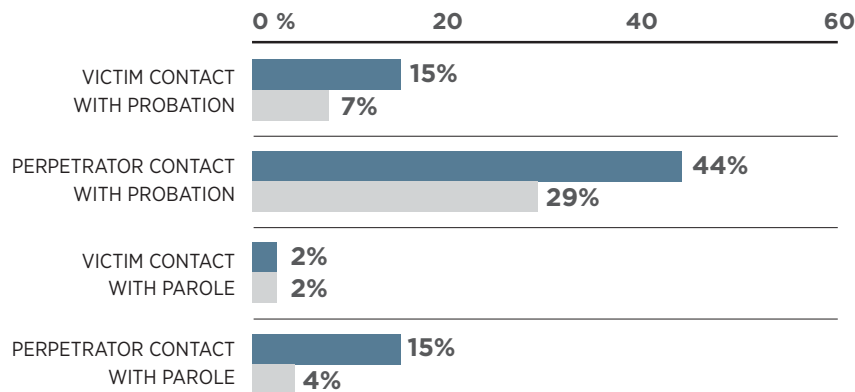


### Recommendations for Faith Leaders



- Get to know your community’s domestic violence program and create a resource referral network.
- Let congregants know it is safe to discuss domestic violence-related issues by providing information through sermons, newsletter articles/ bulletins and in premarital counseling.
- Avoid counseling couples together when allegations of domestic violence or stalking are present.
- Work with domestic violence advocates to train staff and volunteers about domestic violence and stalking. Make an organizational plan for responding to abuse and stalking within congregations, prioritizing victim safety and abuser accountability.
- Offer safe accompaniment to religious functions for victims who may be experiencing stalking behaviors.
- Request extra patrol from law enforcement around your place of worship if there are concerns a stalker may try to establish contact with the victim there.

## 23 CONTACT WITH PROBATION AND PAROLE

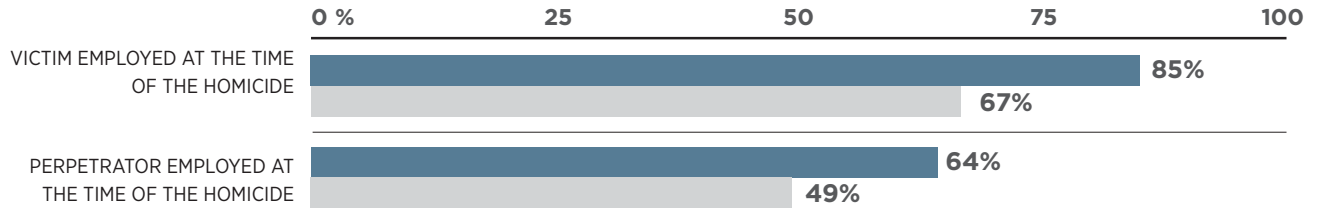


### Recommendations for Probation, Parole and Community Supervision Officers



- Assess all offenders as possible stalkers when there has been any report of harassing behavior or prior intimate partner violence and determine if the offender has previously engaged or is now engaging in stalking behavior. Partner with your prosecutor or law enforcement agency to review or receive incident reports and pertinent history pertaining to the offender's history of stalking.
- When offenders are engaging in stalking behavior, focus on victim safety, changing the behavior of the stalker, and providing accountability.
- Interview the victim, when possible. Explain you are concerned for the victim's safety, explain your role, and encourage follow-up should any abusive behaviors develop. Provide a referral to the local domestic violence program, even if it is likely the victim has previously received a referral. Assure victims you will maintain their privacy and confidentiality and will not share their concerns with the offender directly.
- Determine the presence of civil orders which may address the stalker's behaviors, and monitor the offender's compliance with those provisions, in addition to the criminal sentence. Past civil orders should also be considered a risk factor for ongoing stalking by the offender. Partner with the local domestic violence program or clerk of courts to request and receive copies of relevant civil orders, including Temporary Protective Orders (TPOs).
- Supervision conditions and case plans should be based on an offender's risk level and potential threats to victim safety.
- When new acts of stalking occur, consult the recommendations for law enforcement on page 35 to build and document your case. Immediately seek remedies such as additional criminal charges and revocation of sentence or supervision agreement.
- Ask the court to amend conditions of supervision to require an offender who has utilized stalking or abuse against an intimate partner to attend a State-certified Family Violence Intervention Program (FVIP). Add FVIP to an offender's rehabilitative plan to supplement the standard conditions of supervision if FVIP was not added.
- Consider developing a specialized caseload of intimate partner violence and stalking cases within your agency. Develop staff expertise in stalking dynamics and tactics of abuse.
- Specific recommendations and suggestions for supervising probationers and parolees who engage in stalking behavior are highlighted in "Responding to Stalking: A Guide for Community Corrections Officers," developed by the American Probation and Parole Association, the Stalking Resource Center and the National Center for Victims of Crime.

24 **EMPLOYMENT STATUS OF VICTIM AND PERPETRATOR**



**Recommendations for Employers and Coworkers**



- With the victim’s permission, keep a log of stalking and abusive incidents you become aware of. Consider using the sample Stalking Incident Log on page 44 for help with documenting stalking behaviors. This information may prove helpful to a victim when she is ready to take action against her abuser.
- Provide the number for the domestic violence hotline (1-800-33-HAVEN) to all employees and coworkers.
- Ask clarifying questions to human resources personnel about how an individual can access an Employee Assistance Program (EAP) or other supportive resources offered by the employer.
- Conduct regular, mandatory domestic violence training for managers, supervisors, HR professionals and Employee Assistance Program personnel.
- In collaboration with experts, develop a plan for addressing domestic violence and stalking which makes sense for your company. Plans may include development of a model policy regarding domestic violence in the workplace. You can access model policies at *workplacesrespond.org*.
- Request extra patrol from law enforcement around the job site if there are concerns a stalker may try to establish contact with the victim there.
- Collaborate with victims to alter work schedules and/or locations to assist them in keeping their employment as they navigate staying safe.

**Recommendations for Georgia Legislators**



- Align state firearm forfeiture laws with federal law to clarify law enforcement’s authority to remove weapons and establish penalties for the possession of firearms by Temporary Protective Order (TPO) respondents and those convicted of domestic violence misdemeanors.
- Introduce protections for victims who have been in a dating relationship with their abuser, but who have not been married to, lived with, or had a child with the abuser.
- Introduce or support legislation designed to increase victim safety such as address confidentiality programs which allow victims to receive mail at a confidential address while their home location remains undisclosed, or tenant protections which allow a victim to vacate a lease without penalty if they need to relocate for safety reasons.
- Expand locations where the crime of stalking can occur to include the perpetrator’s residence and allow warrants for stalking to be taken in either the jurisdiction where contact originated or where it was received.

## STALKING LOG

It is important for stalking victims to document individual acts of stalking in order to demonstrate the pattern of behavior required to meet the legal definition of stalking. This is especially true for victims who wish to call the police, file a protective order or otherwise seek relief through the legal system. A stalking incident log can be a useful tool for this purpose. Stalking incident logs should be used to track phone calls, text messages, emails, threats, unwanted in-person contact and other tactics the stalker may implement. In addition to tracking these incidents via the stalking log, victims should save all evidence of stalking including electronic contacts, voicemails, letters and gifts.

Victims should store this information in a safe place where it can't be found by their stalker. Consider storing the information with an advocate, a friend or family member, or letting a trusted person know where the stalking log is kept. Stalking logs are best used in conjunction with a safety plan developed between the victim and a domestic violence advocate. Victims can connect with an advocate for safety planning, documentation, and other services offered by domestic violence programs by calling the 24-hour Statewide Domestic Violence Hotline at 1-800-33-HAVEN.

**STALKING INCIDENT LOG**

DATE	TIME	DESCRIPTION OF INCIDENT	LOCATION OF INCIDENT	WITNESS NAME(S) (ATTACH ADDRESS AND PHONE #)	POLICE CALLED? (REPORT #)	OFFICER NAME (BADGE #)



*chapter 5*

# ELECTRONIC STALKING AND TECH SAFETY

Just as our society as a whole has grown increasingly reliant on electronic and digital means of communication, technology has been incorporated into both stalking behaviors and available remedies to respond to stalking. Online risk assessments provide a great example of how technology has been able to bolster victim safety. Technology can also provide evidence of stalking behaviors where none existed before (Roberts & Kurkowski 2017 b). Even after efforts are made to delete online contacts, the digital footprint is hard to cover up. And while technology may be used to hold abusers accountable, it also now is used by the stalker in nearly every case (Roberts et al. 2017 a).

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Most of the technologies used by stalkers have legitimate and legal functions (Roberts et al. 2017 a). Technology is not the enemy in stalking cases; the stalkers' exploitation of technology is. Intimate partner stalkers often harass their victims by misusing technology including smart phones, computers, tablets, cameras, Global Positioning System (GPS) enabled devices and online spaces. In fact, the most common stalking tactics reported in the National Intimate Partner and Sexual Violence Survey (2017) were unwanted text and voice messages, and unwanted phone calls, with 76 percent of female and 72 percent of male stalking victims reporting those behaviors (Smith et al. 2017).

In 2001, the Federal Communications Commission mandated all wireless users have a cell phone equipped with GPS technology by the end of 2005. This technology has provided the ability for geolocation of 911 calls and other great developments which impact victims of crime, but it has also allowed stalkers to track victims. Cell phones equipped with features such as family tracking or cell phone locator services can also be misused by the stalker, who can send a signal to the device and immediately receive the coordinates of its location.

In one Project-reviewed stalking case, the perpetrator used the cell phone company's family tracking software to monitor his victim and their children. The victim suspected her estranged husband was using technology to stalk her because he always knew what she was doing and with whom she was speaking. Her friends also reported when they called her, they would hear a clicking noise. Knowing the perpetrator was tech-savvy, the victim began to search her phone for apps that should not have been there. She eventually discovered her phone and some of her friends' phones had been loaded with spyware. The victim reported this to law enforcement, but no arrest was made.

Traditional GPS devices have also been exploited by stalkers. In one reviewed case, the perpetrator placed a GPS tracker on the victim's vehicle after they broke up and the victim began to date someone new. The perpetrator used the tracker to follow the victim and ultimately to locate the victim's new girlfriend's home. The stalker went so far as to arrange a tour of the home next door, which was for sale.

Cell phones and tablets can also be used as listening devices, after the simple installation of spyware. Spyware is typically installed through a clickable link or an app. Spyware capabilities allow stalkers to listen to victims' calls, view their contacts, read their messages, activate the phone's speaker, or locate the device in real time (Roberts et al. 2017 a). Spyware, which can also be placed on a computer's hardware, is often a source of illicit or nude images of the victim, which intimate partner stalkers may post online as a form of harassing the victim. This tactic, commonly referred to as "revenge porn," was addressed by the Georgia Legislature in 2014. With the passage of what was then known as House Bill 838, Georgia's invasion of privacy statute (O.C.G.A. § 16-11-90) now recognizes revenge porn as a misdemeanor of a high and aggravated nature.

Photos and social media apps are also used by intimate partner stalkers as a source to gather information to track the victim. A location based "check in" on social media apps provides the stalker with potentially up-to-the-moment information on a victim's whereabouts. Unless the victim has adjusted privacy settings to disallow it, a location also could be revealed by a friend's own post or "check in."

One of the advantages for intimate partner stalkers who use technology to stalk is that it is constantly changing, making it difficult for responders to stay informed of the latest



exploitations and misuses of technology. Thus, ongoing training should be given high priority. For victims experiencing stalking and abuse via technology, there are best practices which can be incorporated into safety plans to reduce the likelihood of further incidents. More information on safety planning around tech issues is provided on page 48.

## HOW RESPONDERS CAN HELP ADDRESS ELECTRONIC STALKING

- Ask victims if they believe their offenders are using, or have ever used, technology to track or monitor them.
- Encourage victims to search for their name and images online and remove any information which could compromise safety. Google alerts can be easily set up by victims to monitor information that appears about them online.
- Assist the victim in removing online information which may make it easier for the stalker to locate them. Online services, such as Safe Shepherd, provide this service for victims for free of charge. Visit [safeshepherd.com/advocates](http://safeshepherd.com/advocates) for more information.
- If the victim's technology has been compromised, encourage them to consider restoring their device to factory settings. This practice will minimize the likelihood that spyware or malware will remain present on the device.
- To avoid tipping off the stalker to the victim's belief they are being monitored, consider keeping potentially compromised technology active, but use safer technology to communicate about plans the stalker should not know about. For example, while developing a safety plan the victim may want to use a computer at a public library to communicate with an advocate, rather than using a computer the stalker may have access to.
- In the event the stalker has been using misleading caller ID information, by way of spoofing apps or other technology, they may be in violation of the Truth In Caller ID Act of 1999. In those instances, filing a complaint against the stalker with the FCC may be an option. Visit [consumercomplaints.fcc.gov](http://consumercomplaints.fcc.gov) or contact the FCC by phone at 1-888-CALL-FCC for more information.

When victims do  
all that the system  
asks of them  
and yet they are  
still not safe, the  
urgent need to  
analyze barriers  
and improve the  
systemic response  
to stalking is ever  
more present.

## TECHNOLOGY SAFETY PLAN

### A Guide for Survivors and Advocates

The following safety plan is part of an online toolkit developed by the National Network to End Domestic Violence (NNEDV) called “Technology Safety & Privacy: A Toolkit for Survivors” (2013). The toolkit includes safety tips, information and privacy strategies for survivors on the use of technology and is available online at [techsafety.org/resources-survivors](https://techsafety.org/resources-survivors).

This safety plan contains general information and tips about technology-related safety for victims of domestic and sexual violence, stalking and human trafficking. We strongly recommend victims contact their local domestic violence program to speak with an advocate to obtain assistance in the creation of a safety plan specific to their individual needs. You can connect with a domestic violence program for safety planning by calling the 24-hour Statewide Domestic Violence Hotline at 1-800-33-HAVEN.

Trust your instincts. If you suspect that someone is using technology to stalk, monitor or harass you, you’re probably right. Abusers, stalkers and perpetrators are often very determined to maintain control over their victims, and technology is one of many tools they use to do this.

Get more information. Navigating violence, abuse and stalking is very difficult and dangerous. Victim advocates can tell you about options and local resources, and help you plan for your safety. You can connect with a domestic violence program for safety planning by calling the Georgia 24-hour Statewide Domestic Violence Hotline at 1-800-33-HAVEN, the National Domestic Violence Hotline at 1-800-799-7233, the National Sexual Assault Hotline at 1-800-656-4673, or the National Human Trafficking hotline at 1-888-373-7888 to be connected with an advocate near you.

Look for patterns to identify the technology being used against you. Take some time to think through what kind of technology may be used to stalk, monitor or harass you. For example, if the abusive person has hinted they are watching you, think about what they know. Do they only know what you are doing in a certain area of the house? If so, there may be a hidden camera in that room. If you suspect you’re being followed, is it just when you’re in your car or is it also when you are on foot? If it’s just

in your car, then there may be a device hidden in your car. If it’s everywhere, it may be something you are carrying with you. Narrowing down the potential source of technology can help you create a more precise safety plan.

**General safety tips.** If it seems like the person knows too much about your activity, it could be from a variety of sources. The abuser could be monitoring your computer or cell phone. The perpetrator could be accessing your online accounts or gathering information about you online. Or the stalker could be monitoring your location.

- Use a safer computer/device. If you suspect the abusive person is monitoring your computer activities, try using a safer computer, tablet or device to prevent the abusive person from seeing what you’re doing.
- Change passwords and usernames. Change the usernames and passwords of your online accounts on the safe computer. Don’t use the new username and password on the computer likely being monitored. Consider creating brand-new accounts, such as a new email address. Also consider using a non-identifying username instead of your actual name and don’t use the same password for your accounts.
- Check your cell phone settings. Go through your phone’s settings to ensure other devices aren’t connected to the phone and that Bluetooth and location access is limited or turned off. If your phone allows apps to be downloaded, make sure you know what each of the apps do; if you don’t use it or don’t know what it is, delete the app. Pay attention to excessive battery or data usage as that may indicate a program may be in use on your phone constantly. Call your phone carrier to ask about location settings or third-party applications.
- Get a new cell phone. If you suspect your cell phone is being monitored, the safest thing is to get a new phone with an account the abusive person doesn’t have access to. A pay-as-you-go phone is an inexpensive alternative. Put a passcode on your phone and ensure location settings and Bluetooth settings are turned off.
- Have your car checked. If the abusive person knows where you are whenever you are in your car, you may consider having your car checked for hidden location devices. Ask a trusted mechanic or law enforcement to check the car thoroughly.

- Limit the information you give out about yourself. Most things we do these days asks for personally identifying information—whether it is to make a purchase, open a discount card or create an account. Limit the information you provide since you don't know with who else they will share your information.
- Get a P.O. box or inquire about address confidentiality programs. If you're concerned about someone knowing your actual address, you can open a private mailbox. Georgia does not have an address confidentiality program but if your state has one, check to see if you can be a part of that program. (Note that this is most helpful if you have recently moved or the abusive person doesn't already know your address.)
- Hidden cameras. If you suspect cameras in your home, figure out where the camera is hidden based on the information shared by the abusive person (for example, the abusive person seems to know details of what you're doing when you're in the living room) or gifts to you or members of your household from the abusive person. Some camera detectors may be helpful in locating the cameras, but remember some detectors will only locate wireless cameras or wired cameras. Either remove the camera or, if that may be dangerous, limit what you do in the room being monitored. If your computer/tablet has a built-in web camera, consider disabling the camera when you aren't using it. Or you can cover the camera with a piece of removable tape.
- Document the incidences. If possible, document the stalking or harassing behavior. Sometimes, a harassing or stalking incident by itself may seem minor. But a series of incidences will show a pattern of behavior that can be proved as criminal stalking or harassment.
- Report the incidences. If you feel safe in doing so, report the incidences to law enforcement and ask for a police report. If the harassing behavior is online, report it to the website. Many sites have links where you can report abusive content.
- Think about your safety. Oftentimes victims want to stop the abusive behavior by getting rid of the technology. However, for some abusive individuals, this may escalate their controlling and dangerous behavior if they feel their control is threatened and you are removing all access. Think about what may happen if you remove the camera or the GPS. Incorporate that into your safety planning. For example, some survivors choose to use a safer computer, device or phone, but don't disable to the monitored device so they can continue collecting evidence.

Technology changes quickly. In order to make sure you have the most updated version of the Technology Safety Plan: A Guide For Survivors and Advocates please also view this resource online: [techsafety.org/resources-survivors/technology-safety-plan](https://techsafety.org/resources-survivors/technology-safety-plan).

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## Fatality Review Project Staff

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**The Georgia Coalition Against Domestic Violence (GCADV)** brings together member agencies, allied organizations and supportive individuals who are committed to ending domestic violence. Guided by the voices of survivors, we work to create social change by addressing the root causes of this violence. GCADV leads advocacy efforts for responsive public policy and fosters quality, comprehensive prevention and intervention services throughout the state. Being a coalition means working together for a common cause. We know that now and in the years to come, we will be up against enormous challenges which promise to test our capacity for conviction and perseverance. It is as vital as ever that we remember the foundation for the future success of this Coalition lies in our hands, all of us, collectively. As we coalesce around our common cause, we do so with the voices of domestic violence survivors and their needs for safety always in the forefront of our minds. To learn more or get involved, visit [gcadv.org](http://gcadv.org).

**The Georgia Commission on Family Violence (GCFV)** is a state agency created by the Georgia General Assembly in 1992 to develop a comprehensive state plan for ending family violence in Georgia. GCFV works throughout the state to help create and support task forces made up of citizen volunteers working to end domestic violence in their communities. In addition, GCFV conducts research and provides training about domestic violence, monitors legislation and other policies impacting victims of domestic violence, certifies all of Georgia's Family Violence Intervention Programs, and coordinates the statewide Domestic Violence Fatality Review Project with GCADV. GCFV is administratively attached to the Department of Community Supervision (DCS). Please visit [gcfv.georgia.gov](http://gcfv.georgia.gov) for more information.

**Disclaimer:** The views, opinions, findings, and recommendations expressed in the Georgia Domestic Violence Fatality Review Annual Report do not necessarily reflect the views of individual GCFV Commission members, all GCADV member programs, funders or individual team members, and are the product of analysis by the joint GCFV and GCADV Project Team.



**Additional information from the Fatality Review Project is available online.**

Visit [georgiafatalityreview.com](http://georgiafatalityreview.com) to access webinars, past reports, supplemental data, resources and more.



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