Stalking and Sexual Assault

Agenda

- Dynamics of Stalking
  - Connection to IPV
- Stalking and Sexual Violence
- Working with Victims

Stalking

A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.
Context

- Can you threaten someone without using any threatening words?
- Can non-criminal acts be stalking?

*Context is critical!*

Prevalence of Stalking

- 1 out of every 12 U.S. women
- 1 out of every 45 U.S. men
- Approx. 1.4 million people are stalked in America every year

Persons Stalked in Lifetime (%)

[Chart showing prevalence of stalking among different demographics]

*National Violence Against Women Survey, 1998*
Accurate statistical data on violence against women in Indian country is hard to come by. There is in fact no comprehensive data on violence against women under tribal jurisdiction, since no federal or Indian agency/organization systematically collects this information. In general, data on crime in Indian country is poor, partly due to underreporting of crimes to the tribal authorities and partly due to underreporting to the federal authorities.

- Wakeling et. al., Policing on American Indian Reservations, NIJ, 2001

Gender of Stalking Victim

- National Violence Against Women Survey (1998)

Stalkers

- 94% of female victims are stalked by men
- 60% of male victims are stalked by men
- Overall, 87% of stalkers are men

- National Violence Against Women Survey (1998)
Profiles

THERE ARE NO DEFINITIVE PROFILES OF STALKERS!

Stalker Typologies

- Simple obsessional
- Love
- Erotomania
- False victimization syndrome
- Intimate
- Nonintimate
  - Organized
  - Delusional

• Multiple typologies – ranging from 3 to 12
• Can be helpful, but are only general classifications
• Individual stalkers may not precisely fit any single category, and often exhibit characteristics associated with more than one category

Demographics

Criminal History:
• 27% had no priors
• 33% had prior adult violent criminal history
• 19% had prior adult non-violent criminal record

The RECON Typology of Stalking, Mohandie et al (2006)
Demographics

- 46% of offenders had a clear or probable DSM-IV-TR diagnosis at time of stalking; 30% had none
- Substance abuse present in 32% of cases
- Suicidal ideation present in 25% of cases

Stalking Behavior

- 2/3 of stalkers pursue their victim at least once per week
- 78% of stalkers use more than one means of approach
- Weapons used to harm or threaten victims in about 20% of cases
Stalking Behaviors

Percentage of cases

- Followed, spied on, stood outside home, etc.
- Made unwanted phone calls
- Sent/left unwanted letters, items
- Vandalism
- Killed or threatened pet

Female Victims (N=625)
Male Victims (N=168)

Stalking Behaviors

- Threatened to commit suicide
- Threatened to hurt or kill family members
- Threatened to report respondents to CPS or other authorities if demands were not met.
- Threatened while driving a car
- Threatened to hurt or kill
- Threatened to report respondents to police for something that did not occur.
- Person came to the home or work place and created a disturbance.
- Broke into the house, car, or business
- Unwanted contact because someone was waiting around outside the home, work, etc.
- Car was tampered with
- Stole items from house, car or business

Stalking in Texas (2007)

Threatened to report respondents to CPS or other authorities if demands were not met. (10.2%)
Threatened to report to police for something that did not occur. (16.4%)
Use of Technology to Stalk

- Phones
- Cameras
- Global Positioning Systems (GPS)
- Computers
- Email & IM
- Spyware
- Assistive technologies
- Social networking sites

Why do they stalk?

- Seeking Affection
- Rejection
- Obsession
- Power & Control
- Sexual Gratification
- Planning to commit a crime
- Because they can
The Stalker e-card
www.americangreetings.com
Stalking and Intimate Partner Violence

81% of stalking victims who were stalked by an intimate partner reported that they had also been physically assaulted by that partner.

- National Violence Against Women Survey (1998)
Point in Intimate Relationship When Stalking of Women Occurs

Intimate Partner Stalkers: Increased Risk for Victims
- More likely to physically approach victim
- More insulting, interfering and threatening
- More likely to use weapons
- Behaviors more likely to escalate quickly
- More likely to re-offend

Stalking Violence
36% of women stalked by former romantic partners experienced stalking violence
- any physical attack on the victim by the stalker that resulted in physical injury to the victim or that was interpreted by the victim as being intended to result in physical injury
Stalking Violence

• Greatest risk of violence is when the stalker:
  – issued direct threats of violence
  – was jealous of the victim’s relationships with others during the relationship
  – user of illegal drugs
• Where there is evidence of the presence of all of these factors, the risk of stalking violence is heightened.

- Women’s Experience of Violence During Stalking by Former Romantic Partners (2005)

Lethality

• 76% of femicide cases involved at least one episode of stalking within 12 months prior to the murder.
• 85% of attempted femicide cases involved at least one episode of stalking within 12 months prior to the attempted murder.

- Femicide Study (1999)

Lethality

• 67% of femicide victims had been physically abused by their intimate partner in the 12 months before the murder.
  – 89% of the femicide victims who had been physically abused had also been stalked in the 12 months before the murder.

- Femicide Study (1999)
Physical Abuse + Stalking = Higher indicator of lethality than either behavior alone

The Intersection of Stalking and Sexual Assault

Prevalence of Sexual Assault

• Almost 18%, or 17.7 million women, in the United States have been victims of rape or attempted rape sometime in their lives. - National Violence Against Women Survey (1998)

• In a 2005 survey of 600 women and men, ages 16-24, six in 10 say that they know a woman who has been sexually assaulted. - Anti-Violence Youth and Young Adult Survey (2005)

• An estimated 302,100 women and 92,700 men are forcibly raped each year in the United States. - National Violence Against Women Survey (1998)
Stalking and Sexual Assault

31% of women stalked by her intimate partner were also sexually assaulted by that partner

National Violence Against Women Survey, Tjaden & Thoennes (1998)

Stalking and Sexual Assault on Campus

• In 10.3% of campus stalking incidents, the victim reported that the stalker forced or attempted sexual contact


• 3/4 of women who experienced stalking-related behaviors experienced other forms of victimization (sexual, physical, or both)
  - Stalking and rape/sexual assault only 26%
  - Stalking, physical and rape/sexual assault 11%

- Stalking acknowledgement and reporting among college women experiencing intrusive behaviors (2007)

Premeditation and Stalking

• What does premeditate mean?

• How might someone premeditate a sexual assault?

• Can premeditation = stalking?
“Nondomestic Organized Stalker”

Case example from A Typology of Interpersonal Stalking: Journal of Interpersonal Violence, Vol. 11, No. 4, December 1996.

• Journal article discusses what they call the nondomestic organized stalker.
• Victim is unlikely to know she is being stalked by this person until stalker chooses to let her know.

• A man who was stalking a woman was arrested outside her apartment after she observed him & called police.
• Woman recently found her bathing suit taped to windshield of her car.
• On another occasion, she found some of her undergarments draped on the car’s mirror.
• 1 week prior to the arrest, the victim found cartridge casings from a handgun taped to her car’s window.

• Stalker was found sitting in his car less than 100 yards from victim’s apartment.
• He was carrying:
  - Knife
  - Key to woman’s apartment
“Nondomestic Organized Stalker”

In his car they also found:
- .22 caliber pistol & ammunition
- Stun gun
- Mace
- Camera & film
- 2 sets of binoculars
- 2 tape recorders
- 2 flashlights
- Pictures of victim’s apartment & car
- Rubber gloves
- Cotton gloves
- Stocking mask
- Large nylon bag
- Bag w/ change of clothing
- Several condoms
- Book of nude pictures
- Gun cleaning kit
- Cooler filled with ice & beer

“Nondomestic Organized Stalker”

- Months prior to this incident the offender was acquitted of burglarizing the woman’s home.
- What do you think he was planning to do?
- Is “nondomestic organized stalker” another way of saying rapist?

Police hunt ‘heinous’ stalker

Olivia Hill-Douglas
March 22, 2007
Police believe a young woman who was subjected to a “particularly heinous” sexual assault in her own home early Saturday morning was the victim of a stalker.

Authorities hunt sexual assault suspect

Police say suspect has assaulted one young girl in a local department store and was caught on video stalking another in a different area store.

Date published: 9/28/2006

Genelg sexual assault victim may have been stalked

January 4, 2008
Police say a woman who was sexually assaulted in her Genelg home at 6:00pm yesterday may have been stalked by her attacker.

Ex-III. cop guilty of rape, stalking

ASSOCIATED PRESS
06/18/2008
A former Bloomington police sergeant whose home computer contained depictions of violent sex forced on women was convicted Wednesday of raping four women and stalking a fifth toward the end of his 17-year law enforcement career.
What kind of rape do you have to commit to end up in a place like this?

Common Societal Beliefs About Rapists?
- Ski mask
- Knife
- Blitz attack
- Brutal injuries
- Strangers

FBI Research
- Interviews with convicted rapists in prison
- General pattern for rape:
  - Targeted women
  - Watched them over time
  - Waited for opportunity when woman was vulnerable
- Is this stalking?
FBI Research

• Appearance and/or dress of victim was virtually never a factor in how or why the rapist picked his victim.
• Rapists picked victims based on observation (voyeurism).
• Rapists essentially were stalking several women at a time… waiting for an opportunity.

The Rape Paradox

Millions of victims...
Relatively few rapists incarcerated...

Rapists who go to prison or treatment centers (and are studied)

Where are all the rapists?

The Population of Rapists

Who are these men?

Ski Mask
Knife
Blitz Attack
Brutal Injuries
Strangers
False Stereotypes of Rapists

- Ski mask
- Knife
- Blitz attack
- Brutal injuries
- Strangers
- "Nice guy"
- Drank too much
- Miscommunication
- Unpremeditated
- Won't happen again

Men Who Rape

- 1 in 12 men admit committing acts that meet the legal definition of rape or attempted rape. Of these men who committed rape, 84% said that what they did was definitely not rape.

  – I Never Called it Rape (1988)

Dr. Lisak’s Research

- 1,882 men interviewed as part of the study…all were volunteer participants.
- Duke University & University of Massachusetts, 1986-2000
- Sample question:
  Have you ever had sexual intercourse with an adult when they didn’t want to because you used physical force (twisting their arm; holding them down, etc.) if they didn’t cooperate?

Of the 1,882 men:
• 120 (6.4%) met criteria for rape or attempted rape
• 76 reported committing multiple rapes
• 120 committed a total of 483 rapes, but the 76 repeat rapists committed 439 of them (average of 5.8 each).
• 70 of the 120 admitted to other acts of interpersonal violence, including battery, physical/sexual abuse of kids, and sexual assault short of rape/attempted rape.

76 Serial Rapists Identified
• 439 rapes of adults
• 49 sexual assaults of adults
• 277 acts of sexual abuse of children
• 66 acts of physical abuse of children
• 214 acts of battery

1,045 TOTAL Self Disclosed Offenses
The Undetected Rapist

Implications of Research on Undetected Rapists

The Typical Rapist:
- Does not use a weapon
- Uses instrumental, not gratuitous violence
- Has access to consensual sex
- Comes from all racial and ethnic groups
- Is not mentally ill

Implications of Research on Undetected Rapists

The Typical Rapist:
- Premeditates & plans his attack
- Uses multiple strategies to make victim vulnerable
- Uses alcohol deliberately
- Increases violence as needed
Common Characteristics Between Incarcerated and Undetected Rapists

- Angry at women
- Need to dominate women
- Believe in rape myths
- Hold hypermasculine attitudes
- See "intimate" violence as normal
- See women as objects to be conquered
- Have deficits in empathy

Similarities between non-stranger and stranger rapists:

- Many rapists are serial rapists
- Rape is usually planned in advance
- Victim’s accessibility was primary factor in rapist’s decision
- Victim’s appearance had little or nothing to do with the rapist’s decision

Interviews with the men revealed:

- Rapist feels anger not empathy when a victim resists.
- Rapist minimizes and sanitizes his violence.
- Women are “targets” & “prey”
- Women are “staked out”
Rapes were preceded by:
- Following
- Surveillance
- Information gathering
- Voyeurism

*Is this stalking?*

**What do you think?**

*Is there a connection between stalking and sexual assault?*

**So What?**

*What benefit is there to making a connection between stalking and sexual assault?*
Validation of Victims’ Experiences
• Provides context
• Places blame solidly on the perpetrator
• Provides additional proof
• Increased opportunities for offender accountability

Charging
• Criminal Charges
  – State Stalking Statutes
  – Federal Stalking Statute
  – Tribal Stalking Codes
  – Creative Charging
  – UCMJ Article 120a Stalking

Protective Orders
• Domestic violence PO
• Sexual assault PO
• Stalking PO
  – Violations
    o 81% male victims
    o 69% female victims
Average Duration of Stalking

- All stalking: **1.8 years**
- Intimate partner stalking: **2.2 years**

- National Violence Against Women Survey (1998)

Recidivism Rates

- Occurred in 60% of cases
- Time between intervention and recidivism was about 2 months
  - Ranged from 1 day to 6 years

- The RECON Typology of Stalking (2006)

Reports to Law Enforcement

- 54% of **femicide victims** reported stalking to police before they were killed by their stalkers.
- 46% of **attempted femicide victims** reported stalking to police before the attempted murder.

- Femicide Study (1999)
Reports to Law Enforcement

- Overall, 83.1% of campus stalking incidents were NOT reported to police or campus law enforcement.

BUT....

- 93.4% of victims confided in someone, most often a friend, that they were being stalked.

Reasons for Not Reporting Stalking

- Didn’t think incident was serious enough
- Didn’t know that incident was a crime
- Thought police wouldn’t think it was serious
- Thought they lacked proof
- Feared reprisals
- Didn’t know how to report the incident
- Didn’t want other people to know

Barriers to Reporting

- Jurisdictional issues
- Lack of resources for law enforcement and Tribal Courts
  - No 911, no jail
  - Long response times
  - Low number of tribal codes
- Phone and transportation issues
- Shame or fear
- *Not just barriers to reporting to law enforcement*
Working With Stalking Victims

- Safety
- Advocacy
- Documentation
- Support

ARE YOU SAFE?

Safety

- Defining our roles
- Privacy and confidentiality
- Restricted reporting
Safety
- Disengage/No Contact
  - Intermittent Reinforcement
  - Negotiation/Minimizing Harm
    “Just one last lunch…”
- “No contact” letters
- Threat Assessment

Working With Stalking Victims
- Safety
- Advocacy
- Documentation
- Support

Advocacy
- Allow victims to tell their story
  - Telling the story allows survivor to remember more details and put all the pieces in place
  - Telling the story facilitates the transition from traumatic memory to day-to-day memory
- Provide validation
  - Validation is the process by which service providers teach victims that most reactions to traumatic events are normal
  - Validation should reinforce that most reactions of anger, fear, frustration, guilt, and grief are natural and common
Advocacy
Prediction & Preparation
- Victims need **information**
  - Practical information
  - Emotional responses
- Can help the victim regain control

Working With Stalking Victims
- Safety
- Advocacy
- Documentation
- Support

Documentation

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STALKING INCIDENT LOG
### Documentation

**Stalking sacks**
- Cell phone (not same one you had during relationship!)
- Personal alarms, whistles, pepper spray
- Cameras
- Log
- Watch with date
- Tape recorder (check laws in your state)

**Surveillance cameras**

**Tracing calls**
- Caller IDs/Answering machines
- After offender hangs up, wait 20 seconds, dial *57 to trace
- Don’t change phone numbers! Get new unlisted line or virtual voicemail.

### Working With Stalking Victims

- Safety
- Advocacy
- Documentation
- Support
Support

- Cocooning
  - Buddy System
  - Flyers or Pictures of offender
- Stalking support groups
  - Manual coming soon

Resources for Victims

- Brochure for Victims (Are You Being Stalked?)
- Stalking Questions and Answers
- Stalking Incident Behavior Log
- Safety Plan Guidelines
- Cyberstalking: Dangers on the Information Superhighway
- Ten Things You Should Know About Stalking
  www.ncvc.org/src

VAW Tribal TA Providers

- Clanstar, Inc.
  PC Box 1835
  Cherokee, NC 28719
  Phone: (828) 497-5507
  Fax: (828) 497-5688
  www.clanstar.org/
- Mending the Sacred Hoop
  202 E. Superior Street
  Duluth, MN 55802
  Phone: 888-305-1650
  Fax: (218) 722-5775
  www.msh-ta.org
- Sacred Circle
  722 Saint Joseph Street
  Rapid City, SD 57701
  Phone: 877-733-7623
  www.sacred-circle.com
- Southwest Center for Law and Policy
  4005 E. 5th Street
  Tucson, AZ 85711
  Phone: (520) 623-8192
  Fax: (520) 623-8246
  www.swclap.org
- Tribal Law and Policy Institute
  8235 Santa Monica Boulevard
  West Hollywood, CA 90046
  Phone: (323) 650-5467
  Fax: (323) 650-8149
  www.tpi.org
Practitioners: 202-467-8700
Victims: 1-800-FYI-CALL
www.ncvc.org/src