

<http://cops.usdoj.gov/html/dispatch/07-2011/stalking.asp>

When Stalking Comes to Work with You

More than 20 years ago, stalking was a relatively unheard of crime, often accompanied by misconceptions that certain stalking behaviors were romantic or that “real stalking” was only something that happened to celebrities. Millions of stalking victims went unrecognized because of the lack of criminalization of these behaviors. Finally, in 1990, California established the first anti-stalking legislation. Three years later, every state had anti-stalking laws on the books, typically characterizing it as criminal menace or harassment. With stalking now recognized as a serious criminal offense, we are able to really see the vast number of people who fall



victim to stalking behaviors—an estimated 3.4 million people a year.¹ However, with low rates of reporting to the police and the difficulty of proving guilt beyond a reasonable doubt, it is not surprising that between 85.4 percent and 93.6 percent of stalking perpetrators aren’t prosecuted.²

For professionals like Dallas Police Department Detective Jon Lumbley and Michelle Garcia, Director of the Stalking Resource Center of the National Center for Victims of Crime, anti-stalking work has been a lifelong effort. [Detective Lumbley began with the Dallas PD in the Southeast Patrol Division in 1985, and now works in the Family Violence Unit, where he investigates adult family violence offenses.](#) He is a certified instructor for Domestic Violence for the Federal Law Enforcement Training Center, a Sexual Assault Family Violence (SAFVIC) Instructor, and a Master Peace Officer as well as a member of the Dallas Area Crisis Response Team. [Director Michelle Garcia has worked in the violence against women movement for the last 20 years, specifically in the domestic violence and sexual assault arenas.](#) She has been with the Stalking Resource Center for the last five years. Even with their diverse experiences with victims, the advice and recommendations that Lumbley and Garcia offer still coincide.

Lumbley said in a recent telephone interview that as simple as it sounds, when he first meets a victim, he stresses to them **“I believe in you, now let’s prove it.”** This statement of belief is crucial, since stalking is often a repeat victimization crime comprised of a series of behaviors that may or may not

necessarily be considered crimes individually. Stalking behaviors can include a number of offenses to the victim, including assaulting the victim, vandalizing property, killing of the victims' pet(s), sending unwanted gifts, visiting their work, sending frequent text messages, or even monitoring the victim's Internet usage.³ Since stalking is intended to create fear, the stalker does not need to be in physical contact with the victim and, especially in this technology driven world, perpetrators are using technology to further act on their obsessive behaviors.

They are abusing technology such as GPS, internet cameras, keystroke software, etc., as a means to instill fear in their victims. In an interview in May, Garcia relayed a story of a victim explaining to a police officer that she was scared because her computer threatened to kill her. As outlandish as that sounds, the capability to program a computer to do that is possible with Assistive technology, which is intended for disabled persons.

Statistics confirm that technology is key to current stalking trends, with approximately 83 percent of stalking victims being cyberstalked via email while 34 percent are electronically monitored. On the other hand, stalking behaviors can include a series of seemingly legal behaviors such as calling or texting, however Lumbley and Garcia both emphasize that it is critical to consider the series of behaviors as a package and not as individual incidents.

On average, 18 percent of all violent crime in the United States occurs at the workplace.⁴ Equally alarming, over 51 percent of the abuse in the workplace is stalking.⁵ The workplace is a likely setting due to its predictability, and unlike changing a phone number or email address, it is more complicated to change employers. Approximately 25 percent of stalking victims who are employed have lost some time from work and about 58 percent have lost some amount of income.⁶ With these statistics, it is imperative to synchronize the law enforcement response with employers and other pertinent professionals.

Garcia stresses that collaborating partnerships are essential for a successful resolution. Stalking cases are complex and drawn out with complicated victim needs. Policing should never be the only form of assistance that a stalking victim receives. Collaborations must also include employers and business leaders, as they have a vested interest as well. The employer has to balance employee safety, productivity, and job safety because at the extreme end, they are held responsible by legal requirements.⁷ To balance these issues, employers should work to decrease dangerous environmental factors. Garcia recommends a variety of security measures, including lighted parking lots, a safety audit conducted by a law enforcement officer, and fail-safe measures in place for stalking incidents. This should also include safety planning with the victim, changing their work phone number, allowing them to telecommute, or even move their

office to a different location in the office. The key is that the employer should be flexible and understanding as well as possess a willingness to work with the local law enforcement agency.

It is fundamentally important to emphasize that the accountability should rest with the stalker and never with the victim. By creating a support network, the victim will feel more confident to discuss the incidents that are affecting them with their employer. Most employees do not share these stalking incidents with their employers because they are embarrassed or ashamed. The importance of confiding in the employer becomes paramount when the employer starts to witness disturbing behavior, such as an employee receiving 60 calls an hour from the same number, or someone constantly hanging around. Notifying the employer will also bridge the gap when a protective order is established. Security and human resources can be notified to be on the alert over the situation as well as having the advantage of access to any video surveillance the company may use. A stalker who violates a protective order opens the door to prosecutions that can result in real penalties.

Lumbley and Garcia agree that to be proactive requires a balance of training, education, and awareness. Lumbley notes that to ensure that adequate documentation is made, stalking cases should be assigned to a small group of trained officers such as a specific stalking unit. For agencies that cannot devote manpower to an entire unit, a Stalking Threat Assessment Tool could be used for basic reports. This would be highly useful for officers who are responding to stalking cases, providing vital questions that should be asked during every investigation. These tools are now being used in various agencies across the country; however Garcia cautions that the officers should explore beyond what the victim is saying. By using a scale, an officer may miss out on other factors like a history of victimization and violence. Additionally, education and awareness need to be provided not only for criminal justice professionals, but also for the community. By educating the public about red flags, available resources, and the importance of documentation, community members and employers are being armed with information. This awareness will not only help a person if they become a victim of stalking, but also if someone they know falls victim to this obsessive crime. The key is to provide education in a nonjudgmental manner and to connect the community with the support and resources available. Community policing has embraced this collaborative approach and has helped bring to light the powerful relationship between law enforcement and the victim.

Interestingly, Lumbley has found that talking to the perpetrator can stop the behavior from continuing, especially when emphasizing how much they have to lose. Statistics support this, with about 15.6 percent of stalkers desisting after they were warned by the police. By communicating with the stalker, law enforcement can prevent escalation, and as Garcia states, "it is stopping a homicide in progress." Continued efforts on the part of local law enforcement agencies and the community are imperative to

institutionalizing the belief that stalking behaviors are truly criminal and to combat these destructive behaviors.

To see a sample documentation log and other resources, please visit the Stalking Resource Center at nvc.org/src.

To view resources available from the COPS Office, please visit <http://www.cops.usdoj.gov/default.asp?Item=1073> or our Resource Information Center at www.cops.usdoj.gov.

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¹ Baum, Katrina, Shannon Catalano, and Michael Rand. 2009. Stalking Victimization in the United States. Washington, D.C.: U.S. Department of Justice Bureau of Justice Statistics. <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1211>.

² Corporate Alliance to End Partner Violence. 2011. Stalking. Bloomington, IL: Corporate Alliance to End Partner Violence. http://www.caepv.org/getinfo/facts_stats.php?factsec=9

³ National Center for Victims of Crime. 2006. Stalking. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services.

⁴ Tracy, Jessamyn. 2010. Stalking and the Workplace Webinar. Washington, D.C.: Stalking Resource Center.

⁵ Ibid., 9.

⁶ Ibid., 1.

⁷ Ibid., 9.

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