Stalking: The Hidden Crime

SKILLS for Effective Intervention
Virtual Conference
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Presented by:

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The Stalking Resource Center is a program of the National Center for Victims of Crime. The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center envisions a future in which the criminal justice system and its many allied community partners will effectively collaborate and respond to stalking, improve victim safety and well-being, and hold offenders accountable.

The Stalking Resource Center provides training, technical assistance, and resource materials for professionals working with and responding to stalking victims and offenders.
Overview

- Define stalking
- Prevalence and dynamics of stalking
  - Use of technology
  - Intersection with domestic violence and other crimes
- Best practices for parole officers
  - Supervising offenders engaging in stalking behaviors
  - What to look for
  - Victim contact
Defining Stalking

- Behavioral definition
- Texas statute
Stalking

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

Context is critical!
Understanding Stalking – Context

- Something may be frightening for the victim but not to you.
- Stalking behaviors often have specific meaning that is only understood between offender & victim.
- Stalking criminalizes otherwise non-criminal behavior.
Texas Stalking Statute
Tex. Penal Code § 42.072

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) the actor knows or reasonably believes the other person will regard as threatening:

   (A) bodily injury or death for the other person;
Tex. Penal Code § 42.072

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and
(3) would cause a reasonable person to fear:

(A) bodily injury or death for himself or herself;

(B) bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; or

(C) that an offense will be committed against the person's property.
(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contain elements that are substantially similar to the elements of an offense under this section:

1. the laws of another state;
2. the laws of a federally recognized Indian tribe;
3. the laws of a territory of the United States; or
4. federal law.
Prevalence of Stalking

How many people are stalked in one year in the United States?

A. 1.2 million
B. 4.5 million
C. 6.7 million
D. 7.5 million
Prevalence of Stalking

7.5 million stalked in 1 year in U.S.

- By gender
  - 4% of women
  - 2% of men

- Lifetime
  - More than 1 in 7 women
  - 1 in 18 men

- The National Intimate Partner and Sexual Violence Survey (NISVS): 2011
Prevalence of Stalking

How many people are stalked in one year in Texas?

A. 125,478
B. 489,203
C. 810,865
D. 1,200,074
Stalking in Texas

- Texas population ~ 26,956,958
- Roughly 810,865 stalking cases in 1 year
  - 543,452 female stalking victims
  - 267,413 male stalking victims
Stalking Dynamics

18 – 24 year olds experience the highest rates of stalking

Women are more likely to experience stalking

Most offenders are male

The majority of victims know the offender

The National Intimate Partner and Sexual Violence Survey (NISVS): 2011
Stalking Behavior
Stalker Tactics

- Sent unwanted emails, instant messages, & messages through social media
- Left strange or threatening items
- Left victim unwanted cards, letters, flowers, or presents
- Sneaked into victim’s car/home; did things to scare
- Watched, followed, or spied on victim
- Left unwanted text or voice messages
- Made unwanted telephone calls & hang-ups
- Approached victim/showed up places where victim was.

- The National Intimate Partner and Sexual Violence Survey (NISVS): 2011
Use of Technology to Stalk

- Phones – calls, SMS, MMS
- Fax machines
- Cameras
- Global Positioning Systems (GPS)
- Location based services
- Computers
- Spyware
- Email & IM
- Social networking sites
- Assistive technologies
Technology is Not the Enemy

- Criminals exploit the technology to create an advantage for themselves
- Most of the technologies used by stalkers have legitimate and legal functions
- We must keep up with the criminals and work to enact progressive, inclusive stalking legislation
Use of Technology to Stalk

www.victimsofcrime.org/src

Cell phones. GPS. Computers. Did you know that these technologies can be dangerous weapons in a stalker’s arsenal? This self-paced, interactive course will give you a better understanding of how stalkers use these and other technologies to locate, harass, and surveil their victims. You will also identify steps to assist in investigating stalking crimes and supporting victims of stalking.
Pattern of 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

- The RECON Typology of Stalking (2006)
Stalking Behaviors

- Using kids
- Legal system harassment
- Proxy stalking
- Other crimes
- OP violations
Stalking by Proxy

- Third party stalking
  - Friends, relatives, children
  - Unintentional
  - Intentional

- 50% - 60% of partner stalking victims say others were involved in stalking - Logan et al. (2006)
Duration of Stalking

Don't know
5 years or more
4 years
3 years
2 years
1 year
7-11 months
6 months or less

-- Stalking Victimization in the United States, BJS (2009)
Stalking and Other Crimes
Stalking and Other Crimes

Among stalking cases...

- 24% involve property damage
- 21% involve a direct attack on the victim
- 15% involve an attack on another person or pet

Identity theft

- Opened/closed accounts: 54%
- Took money from accounts: 52%
- Charged items to credit card: 30%

-- Stalking Victimization in the United States, BJS (2009)
Stalking and Domestic 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)

3/4 of women who experienced stalking-related behaviors experienced other forms of victimization (sexual, physical, or both)

- Stalking acknowledgement and reporting among college women experiencing intrusive behaviors (2007)
Point in Intimate Relationship when Stalking of Women Occurs

In a relationship where there is domestic violence occurring, at what point do you think stalking behaviors begin?

A. While the relationship is still intact
B. After the relationship has ended
Point in Intimate Relationship when Stalking of Women Occurs

Before = 21%

After relationship ends = 43%

Before & After = 36%

- National Violence Against Women Survey (1998)
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

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

Where there is evidence of the presence of all of these factors, the risk of stalking violence is heightened.

Greatest risk of violence

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

- Stalking and Intimate Partner Femicide, McFarlane et al. (1999)

- Femicide by intimate partner
  - At LEAST 1 episode of stalking within year prior to murder

- Attempted femicide by intimate partner
  - At LEAST 1 episode of stalking within year prior to murder
Lethality Risks

Almost 70% of femicide victims experienced physical abuse

Almost 90% of those victims had also been stalked

- Stalking and Intimate Partner Femicide, McFarlane et al. (1999)
Physical Abuse + Stalking → Greater indicator of potential lethality than either behavior alone
Do most stalking victims report to law enforcement?

A. Majority of victims report the stalking behavior

B. Majority of victims do not report the stalking behavior
Reporting to Law Enforcement

37% of male stalking victims

41% of female stalking victims

-- Stalking Victimization in the United States, BJS (2009)
Reasons For Not Reporting

- Feared the perpetrator/afraid of reprisals: 6%
- Couldn’t identify offender/lacked evidence: 10%
- Thought police wouldn’t think it was important or would be ineffective: 11%
- Not clear a crime occurred: 11%
- Reported to another official: 14%
- Private or personal matter: 27%
- Thought it a minor incident (minimization): 27%

- Stalking Victimization in the United States, BJS (2009)
By the time victims report to police, the stalking behavior has been well established and... victim-initiated countermeasures have failed.

The Critical Role of Community Corrections Officers

“Community Corrections Officers are charged with the dual goals of supporting victim safety and autonomy while simultaneously holding offenders accountable for their behavior.

Early intervention may prevent illness, injury, and even death by supporting victim safety and reinforcing the [offender’s] accountability for his choice of coercive and violent behavior.”

- Domestic Violence and the Role of Community Corrections
Supervising Offenders Engaging in Stalking Behavior
What Crimes Might These Offenders Have Committed?

- Domestic violence
- Sexual assault
- Sexual abuse
- Stalking
- OP violations
- Assault
- Harassment
- Home invasion
- Attempted murder
- Kidnapping
- Vandalism
- Wiretapping or utility theft
- Burglary
- Theft
- Identity theft
- Child Abuse
- Hate Crimes
Recidivism

**DV Reabuse**

- Occurs in 24% to 60% of cases
- The majority do so within 6 months of beginning probation and/or a BIP

Klein et al, 2005

**Stalking**

- Occurs in 60% of cases
- Average time was 2 months
- Ranged from 1 day to 6 years

The RECON Typology of Stalking (2006)
Screening Offenders

Determine if the circumstances of the case meet the definition of stalking

Review the case file for documented evidence of stalking

Review police reports and other documents for patterns of abuse
Screening Offenders

- Interview victim(s) if they agree
- Document history of protection orders
- Determine the nature of the victim/offenders relationship
- Ask direct questions while displaying respect and concern for the victim’s safety
Screening Offenders

Conduct a risk assessment of the offender

• Use a validated risk assessment tool
• Consider the presence of factors that may indicate a higher level of risk

If no threat assessment tool is available:

• Count the number of boundaries violated
  • EVERY act counts
• Highlight most serious violations
Screening Offenders

- Conduct ongoing investigation related to abusive and stalking behaviors
- Determine offender’s level of knowledge about electronics and phone
- Determine what technologies the offender has access to and where
When to Investigate

- Beginning of case
- Violations, reoffenses, and pending hearings
- New information from the victim
- Other program reports

At set or random intervals
Interview Offenders

All offender interviews should be managed in a firm but respectful manner to keep the conversation and process of information collection and evaluation on task.
Red Flags During the Interview
Domestic Violence Red Flags

When interviewing the offender, listen for:

- Strong assertions and beliefs regarding entitlement, rights or privileges over his partner and/or children
- Language and expressions of ownership regarding partner or children
- Internalized sense of importance (e.g. overdeveloped ego, insolence, delusions of grandeur)
- Denial of responsibility for offensive behavior
- Blame placed on others or circumstances beyond his control
- Protracted negative descriptions and/or conversations about partner
Domestic Violence Red Flags

When interviewing the offender, listen for:

- Expressed or demonstrated jealousy
- Rigidly defined gender roles
- Unilateral decision making for others
- Rule maker
- Punishment and retaliation
- Lack of empathy
- Caretaker, rescuer or protector roles
More Dangerous Times

- Separation
- Protective order served/criminal arrest
- Offender’s loss of job, other life events
- Multiple incidents in a short period of time – increase in quantity of contacts as well as escalation in behaviors
More Dangerous Offenders

- History of substance abuse
- History of mental illness (narcissistic personality disorders – you hurt me, you will fix it)
- History of violence, especially towards victim
- Threats of murder / murder-suicide
More Dangerous Offenders

- Actual pursuit
- Possession and/or fascination with weapons
- Vandalism, arson
- Tendency towards emotional outbursts and rage
- History of violating POs
Escalation of Threats

- 9/6/15: Text messages
- 9/8/15: Threatening call
- 9/12/15: Showed up at work
- 9/15/15: Dead roses
- 9/20/15: Parked across street all night
- 9/25/15: Tires slashed
Escalation of Threats

- Threatening call
- Showed up at work
- Dead roses
- Parked across street all night
- Tires slashed
- Texts
Victim Contact
As a practice, do you have contact with victims?

A. Yes, regularly
B. Sometimes
C. Never
What are some things you hear from victims?
Victim Contact

It can be extremely helpful to have victim input during supervision.

Collaboration with system and community based advocates is encouraged to facilitate victim contact.

Victim location and contact information must be kept confidential. Sharing info from the victim with the offender will likely increase the risk of harm to the victim.
Victim Contact

Before interviewing the victim, explain the extent and limits of the agency’s confidentiality policy and applicable laws.

Provide victims with information about domestic violence, sexual assault, or stalking, including technology aided stalking.
Victim Contact

Encourage victims to share information pertinent to their safety (e.g. unwanted contact by the offender)

Talk with victims about obtaining a protective order
What You Might Hear

- She/he was parked outside my work when I walked out.
- My friends said they left me messages but I never received them.
- I’m getting emails from addresses I don’t recognize.
- There was an anonymous gift placed outside my door.
- She/he is posting messages about me on social media.
- He/she keeps showing up places I am.
- I picked up because the Caller ID said it was my mom, but it was actually him/her.
Victim Contact

- Keep victims informed about the status of the offender
  - Upon receipt of a case
  - Prior to initial interview with offender
  - Prior to offender release from incarceration
  - Prior to development of case plan
  - Prior to change in supervision level/status
  - Upon any change in the supervision conditions
  - Prior to transfer of the case to another officer or jurisdiction
  - Prior to the expiration or termination of supervision

VINE (Victim Information and Notification Everyday)
Frequently Asked Questions

Notification and Victim Information & Notification Everyday (VINE)

- How can I receive notification about an offender in prison?
- What services will I receive by registering for notification?
- Is there a system that provides offender information 24 hours a day?
- What is the difference between registering with VINE and registering with Victim Services?
- Can I be notified when an offender is released from prison?
- How can I protest an offender’s release and what do I say in my protest letter?
- Can I meet with the Board of Pardons and Paroles?

How can I receive notification about an offender in prison?

Victims, their family members and concerned citizens may request written notification by contacting the Victim Services Division. Please call our toll free number (800) 848-4284 or write to 8712 Shoal Creek Blvd., Suite 265, Austin, Texas, 78757-6899 or email victim.svc@tdcj.state.tx.us to register. Notifications include notice of an offender’s parole eligibility, Board decisions, release to and return from Bench Warrant, discharge dates, along with many other notices. Any information you supply will remain confidential.

What services will I receive by registering for notification?

Victim Services Division offers letter notification regarding Texas Department of Criminal Justice (TDCJ) offenders throughout the criminal justice process. We also offer an informational hotline answered by phone operators Monday thru Friday from 7:30 a.m. to 5:30 p.m. CST. The toll free number is (800) 848-4284. In addition, we offer an automated service, through the Victim Information and Notification Everyday (VINE) system.
Encourage victims to maintain documentation of the stalker’s behavior, but do not depend on the victim to prove violations.

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**STALKING INCIDENT LOG**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description of Incident</th>
<th>Location of Incident</th>
<th>Witness Name(s) (Attach Address and Phone #)</th>
<th>Police Called (Report #)</th>
<th>Officer Name (Badge #)</th>
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Victim Contact

Inform the victim how violations are usually processed and what outcomes or sanctions may result.

Refer victim to an advocate and recommend they develop a safety plan.

- Local domestic violence or sexual assault program
- Local victim services agency
- Law enforcement or prosecutor’s office
Collaboration with Advocates

- Strengthen cases and help support victim safety and autonomy
- Explain the community supervision process and help victims understand what officers can and can’t do
- Help prepare victims for meetings with officers and may attend meetings to provide support
- Locate or contact a victim when an officer needs to pass information along

Victim Contact

For victim safety, independently verify information provided by victims that will be used in sentencing or sanctioning offenders.
Case Example #1

“He called my mom from jail last weekend and threatened her if she testified about what he did.”

- Get record of calls from the jail
- Obtain answering machine or voicemail recordings
Case Example #2

“He is following me everywhere. He comes to my job, and then he is parked outside my house when I get home from work. The other day he was standing outside the grocery when I left.”

- Observe victim’s home for presence of offender
- Check offender’s time sheets, talk to employer and coworkers about schedule
- Talk to victim’s coworkers and identify witnesses
Case Example #3

“He has started drinking again and is more violent when he is drunk.”

- Alcohol Test
  - In office
  - Home visits
- Check local bars, known haunts
- Check garbage or recycling on home visits
Suggested Special Conditions of Supervision

- No contact or attempted contact with the victim or her family in person; through mail, electronic and telephonic means, or third parties

- Searches of the defendant’s person, premises, residence, vehicle, and any area under the defendant’s immediate control without prior notification
  - Search conditions include searches of computer if there are indicators the offender is using electronic means to obtain information about the victim or harass her
  - Search offender’s residence to look for the victim’s property, photographs of her, or any indications of a fixation with the victim
Suggested Special Conditions of Supervision

- Offender will provide supervising agency with all aliases, screen names, ISP account information, cell phone numbers and other identifying data
- Refrain from the use of alcohol, and drugs unless prescribed by a physician
- Mental health evaluation
- Limitations on where the offender may go that may bring him near or in contact with the victim (e.g. stay out of a county, neighborhood etc.)
Suggested Special Conditions of Supervision

- Offender shall not own or possess any rifle, shotgun, firearm, or other instruments construed to be a weapon, and dispose of weapons in a manner as deemed appropriate
- Offender shall not possess a hunting license, pistol permit, or FID card
- Have offender sign a release of information to third party/treatment providers allowing disclosure of information
- Notification within one business day of all police contacts
Supervise Offender at Highest Level Allowed

- Make frequent field contacts with the offender and collateral persons
- Conduct frequent and random checks for alcohol and drug use
- Conduct regular checks for existing or new protective orders
- Regularly check for indicators of new criminal conduct
- Investigate and respond to these appropriately
Supervise Offender at Highest Level Allowed

Develop, monitor, and review payment schedules for court ordered fines, restitution, and child support.

Direct the offender to report daily, when appropriate, as a consequence of offensive behavior.

Assign the offender to a specialized caseload where such options exist.
Specialized Units and Tools

- Assign to low caseloads with high control - Intensive Supervision or Domestic Violence or Stalking
- Electronic monitoring
Respond to Early Stages of Non-Compliance

If offender breaks program rules or engages in problematic behavior prior to actual violation of supervision conditions:

- Send written notification to the court or paroling authority
- Consider requesting a modification of the conditions to add requirements not imposed at the time of sentencing or release
- Increase the frequency of supervision meetings and field contacts
- Request departmental administrative review or judicial reprimand
Can be downloaded at www.victimsofcrime.org/src
Agency Practices

1. Develop written policies or procedures regarding supervising stalking offenders.
2. Develop policies about agency staff responding to victims by email and phone that will keep her safe.
3. Safeguard information about victims in agency files and computer systems.
4. Maintain confidentiality of victims locations.
Agency Practices

- Form partnerships with local advocacy organizations and solicit their input in all policy implementation and planning activities
- Develop or participate in a Coordinated Community Response (CCR) — meet regularly with all stakeholders in the community to identify obstacles and plan solutions
- Develop formal and informal interagency agreements via MOUs
- In conjunction with local advocates, review existing training materials and agency protocols for victim safety issues
- Provide opportunities for cross-training
"Supervising stalkers requires a different mind set. You have to be willing to evaluate seemingly benign or even legal behavior to determine whether it is part of a pattern of stalking. This takes incredible patience, persistence, and attention to detail. It also requires a commanding court presence, the ability to interpret and contextualize seemingly minor behaviors as a pattern of stalking, and to reach the legal threshold for revocation of probation or parole. All of it is labor intensive and often frustrating, but necessary for victim safety."

— Nancy Halverson
Corrections Unit Supervisor, Minneapolis, MN
Resources
Protecting Victims Through Community Supervision of Intimate Partner Abusers
Contracting Agency: Office on Violence Against Women
Contracting Period: 07/01/2007 - 06/30/2009

This 24-month project will build on work previously done by APPA’s OVW-funded project that developed guidelines for community supervision of domestic violence offenders and curricula for training probation and parole officers to implement these guidelines. In this phase of the project, curricula will continue to be delivered via distance learning tools as well as classroom trainings to reach a broader audience. Moreover, this phase of the project will entail the development and delivery of advanced-level training to further expertise and problem-solving strategies for promoting victim safety and offender accountability among probation and parole officers specializing in the supervision of domestic violence offenders. Specific project activities include focus groups, workshops, classroom and distance-learning training opportunities, the development of training curricula, and articles in relevant journals.

Available Products
- eLearning: Domestic Violence and the Role of Community Corrections
- eLearning: Domestic Violence: Fundamentals for Community Corrections Practice
- access to intelligence databases
- information sharing
- analytical support
- investigative support and research

- equipment loans
- confidential funds
- training and publications
- field staff support
- technical assistance

www.riss.net
ROCIC
Regional Organized Crime Information Center®

Serving Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia, as well as Puerto Rico and the U.S. Virgin Islands.

location: Nashville, TN
phone: (800) 238-7985
e-mail: info@rocic.riss.net
web: http://www.rocic.com
WELCOME TO THE NATIONAL RCFL PROGRAM

Welcome to the National RCFL Program Web page. This site is a gateway to the premier digital forensics laboratory network in the country.

The RCFL Program provides overtime pay, cell phones, and vehicles to our state/local examiners - click here to learn about our benefits of participation.

2013 WEBINAR
Digital Forensics & Social Media Evidence

RCFL IN THE NEWS

07/02/2014: Guilty Verdict in Christian Mingle Rape Case — A "dangerous Internet predator" was convicted Monday of raping two women, including one he met on the dating website ChristianMingle.com. Click here for more.
Welcome to the IACP Center for Social Media

IACP's Center for Social Media serves as a clearinghouse of information and no-cost resources to help law enforcement personnel to develop or enhance their agency's use of social media and integrate Web 2.0 tools into agency operations.

Chief's Corner

Welcome to the Chiefs' Corner. This section of the Web site contains information tailored to the needs of chief executives.

Frequently Asked Questions

Does the IACP have a Facebook page? Yes, IACP has an official Facebook page. Discover Policing, an IACP initiative on police recruiting, also has a Facebook page.

The Social Media Beat

Social Media Created Citizen Investigators
Mobile Phone Seizure Guide App

MPS Guide
Stephen Payne

Available for iPhone

No Ratings
Rated 4-

LINKS
Developer Website

© 2010 BK Forensics, LLC

Available for iPhone
Field Search is a suite of software products developed by the National Law Enforcement and Corrections Technology Center (NLECTC). Field Search was designed specifically for use in the field by non-technical criminal justice personnel to allow them to quickly and efficiently search a target computer and create a detailed report of findings. Field Search for Windows® (FS-Win) runs live in a native Windows environment. Similarly, Field Search for Macintosh (FS-Mac) runs live in the native Mac OS X® environment. This approach provides a fast, powerful, yet easy method of examining and monitoring computer use. In essence, Field Search blends preview functions with evidence gathering and reporting functions.

Originally designed to assist probation and parole officers in sex offender management, the Field Search suite is equally effective in first responder situations or in examining computers for evidence of other crimes.

Features

Field Search quickly finds evidence such as Internet histories, images, multimedia files and results from text searches and easily populates a report of the findings. Click here to learn more about Field Search’s features and to view sample screenshots:
ECTCoE Resources

ECTCoE Resources

Part of the ECTCoE mission is to develop, evaluate, and disseminate resources for state and local law enforcement personnel that perform investigations involving digital evidence. The ECTCoE works with the NIJ to develop new tools, training, and standard procedures. It performs independent evaluations of tools, trainings, and publications. It identifies and collects tools, publications, and contact information that it disseminates to law enforcement.

These resources include:

- **Online Interactive Tools** - Online interactive tools allow law enforcement personnel to interactively search for information on topics such as available trainings, effective search words, and regional computer forensics labs to assist in investigations.

- **NIJ Funded Tools** - NIJ funded tools includes a listing of software that is available free, or at a limited cost, to state and local law enforcement personnel.

- **Publications** - Publications includes best practice manuals, quick reference guides, and other reports on digital forensics practices for law enforcement.

www.ectcoe.net
Resources for Victims

- Are You Being Stalked? (Brochure for Victims)
- 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.victimsofcrime.org/src
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