

DISCUSSION GUIDE

Video Selection: Tools for Fighting Back (4:11 minutes)

Content: Three law enforcement officers and a victim advocate discuss ways in which stalking victims can help build a case for prosecution.

Note: The following questions and ideas are intended to help prompt and guide discussion when showing the videos in domestic violence survivor support groups and educational forums. Please do not feel limited by these suggestions. You and the participants in your group or forum may want to lead the discussion in a different direction. You need to use your own judgment as to the appropriateness of these questions and ideas for your specific audience.

Questions and Ideas for Group Discussion:

Question 1: If you were on the jury of a stalking trial, what evidence would you look for to know that someone had indeed been a victim of stalking?

Ideas: Stalking involves a continuing course of conduct, two or more acts, that demonstrate a purpose and cause the victim to become fearful. Stalking also involves a systematic and deliberate set of tactics designed to control the victim. It is important to keep in mind that each stalking case is unique and there is no stereotypical stalker; however, some commonly reported stalking behaviors include:

- Following
- Showing up in unexpected places
- Calling or texting repeatedly
- Sending unwanted cards, gifts, or messages
- Driving by or hanging around victim's home, school or work
- Using technology, like computer spyware, hidden GPS and cameras, to track the victim
- Using public records or on-line search services, hiring investigators, or going through the victim's garbage to get information about the victim
- Keeping tabs through family, neighbors and friends
- Threatening people or pets the victim loves
- Damaging property

Question 2: How could leaving jewelry, love notes, or roses for someone be perceived as threatening or fear inducing?

Ideas: Stalking often involves "incidents" that may not appear dangerous or threatening to anyone but the intended victim. Leaving jewelry, love notes, or roses for someone at their place of work or on their doorstep may appear sweet and innocent to those on the outside, but could be seen as a terrifying threat to a victim. It is important to consider the context of such unwanted gifts. For example, leaving roses on the doorstep may

indicate to a victim that her offender has discovered where she lives, or it may represent a warning sign that he plans to harm her. A victim's fear should never be dismissed just because it doesn't make sense or isn't a typical reaction. The victim knows better than anyone what the stalker's intentions are, even when the incident appears to be harmless or possibly romantic to others.

Question 3: Why is it important for victims to document incidents of stalking and harassment?

Ideas: As one of the officers in the video noted, the victim is usually the first person to come in contact with evidence. Even though she/he may not want to involve the police or the court system at this point, having this information can be crucial if the victim ever decides to pursue help through the court. Documentation can be helpful in several ways:

- 1. Documentation can show the intentional nature of the stalker's actions.** Logging or tracking the stalker's actions will increase the victim's credibility if and when she/he seeks help from others. Not only will it help the victim remember specific dates, times, and details but it will show others that the stalking is not just a few minor instances that could be dismissed as "accidental." Tracking all of the things the stalker does shows others that what the stalker is doing is intentional, not accidental.
- 2. Collecting evidence.** A documentation log, if the victim collects all important information, may show a course of conduct, document fears, and provide police with corroborating evidence or guide police to what evidence needs to be collected.
- 3. Helping others understand.** Detailing the full scale of the tactics the stalker is using and the harms or losses suffered because of the stalker can increase others' awareness of how harmful this is to the victim and her/his family. This is key to getting others to take the stalking seriously.
- 4. Increasing safety.** Stalking logs can show patterns of risk and provide information that can help target ways to improve the victim's safety. Keeping a log of the stalker's behaviors can also help others identify ways in which they may be able to help or intervene with the stalker.

Question 4: How should incidents of stalking be documented?

Ideas: It is important to find some way to document or track the stalker's actions in a manner that is safe and comfortable for the victim. Several possibilities are: 1) keeping a small notebook in a purse or backpack so it is handy when needed; 2) documenting the events on a formal documentation log (example attached); and/or 3) using a password protected file on a computer or phone.

The victim should choose the easiest, safest, and most comfortable way to record what is happening so that she/he documents the stalking as consistently as possible (including the elements mentioned below for each incident). It is important to see the whole picture and pattern of stalking behaviors. Also, victims should be sure to keep back-up copies (either electronically or in paper form) in case something happens to the original. Copies may be kept by a trusted friend or family member.

Question 5: What should be included in a documentation log?

Ideas:

1. Incident description. Date, time, and specific description and location of the incident. Include everything, even if it seems small or insignificant and even if the victim is not sure it was the stalker. It is unlikely that all of the things that are happening during the course of stalking are coincidental.

2. Corroborating evidence. All evidence should be preserved, including full name(s) and phone number(s) of any witness(es). When possible and safe, pictures or videos should be taken. All evidence should be dated. If the police are involved, they should collect and preserve evidence, including photographs. Law enforcement and/or the victim should keep all notes, emails, text message, gifts, and pictures. Whether or not the police are involved, the victim should write as much detail as possible about the incident. It is possible that police can get evidence through surveillance videos from stores or other businesses, or by tracing phone numbers. Keep in mind that cell phones and computers may be “crime scenes” containing important evidence. All receipts for repairs from damages should be kept along with pictures or other evidence of damage.

3. Police, court system or other agency notification and responses. If the victim calls the police or other agencies (e.g. probation officer, prosecutor, victim services) she/he needs to write down who was contacted, date and time of contact, badge number or other employee identification, and the outcome of that interaction (e.g., report taken, no action taken). Also, any accommodations at the place of work or other places should be noted. If possible, have security document any work disturbance and accommodations.

4. The victim should document why the “contact/incident” made her/him fearful or upset. It is important to document the specific fear or emotional distress the incident caused and to explain the context of the incident, including past threats or behaviors that make this particular incident seem so frightening or harmful. Police and others do not know the stalker so the victim may need to help them understand what happened and what it meant. The log is a good place to help explain how certain actions convey threats of harm.

5. Impact. The victim should document how the incident impacted her/his life (e.g., ways it changed life, work or routines; financial costs). This may be short-term or longer-term impact from contact or the incident.

Question 6: What should victims do if law enforcement doesn't take the stalking seriously?

Ideas: If the responding officer doesn't take the stalking incident seriously the victim should call the officer's supervisor (or the Chief of the agency, if necessary), or in some geographic locations, another law enforcement agency. For example, many rural communities have city and/or county police agencies as well as state police. Sometimes, victims have to help law enforcement understand the seriousness of stalking. The victim's persistence and consistent documentation can help do this.

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