

CENTRE COUNTY PROTOCOL FOR A COORDINATED LAW ENFORCEMENT RESPONSE TO STALKING

I. PURPOSE

A. The crime of stalking is difficult to identify, investigate, and prove because it is often manifested by behavior which is both criminal and non-criminal, and because the stalker may commit criminal acts in different locations, i.e. multiple jurisdictions. Stalking is difficult to prevent because stalkers have a tendency to be obsessive and are not therefore easily deterred by court orders forbidding contact with the victim. The obsessive nature of the stalker's behavior creates ongoing risk for the victim. The complexity of this crime, coupled with the difficulty in both recognizing it and proving it create a challenge for law enforcement which necessitates a coordinated community response.

B. The principle purpose of this protocol is to establish guidelines and procedures to be followed by police officers and other personnel in our community involved in the response to the crime of stalking. Uniformity of procedure throughout the county will result in more effective recognition, investigation, and prosecution of stalking in the following respects:

1. By establishing a coordinated response to stalking;
2. By providing guidelines for cooperation among law enforcement agencies;
3. By affording protection and support to victims of stalking through a coordinated program of law enforcement, victim assistance and victim notification.
4. By enhancing the ability of law enforcement and the criminal justice system to hold perpetrators accountable for their actions.

II. POLICY

A. It shall be the policy of the investigating agency to act quickly to thoroughly investigate all matters dealing with stalking and take proper action to prevent its recurrence.

B. Officers responding to stalking complainants shall respond in a manner that is consistent with the goal of crime intervention. Domestic violence, as it can be a part of stalking, shall be responded to as the criminal activity it is.

C. Stalking calls will receive the same priority as all other assault calls. There will be no downgrading of the priority of response because of the domestic nature of the call.

D. In recognition of the difference between stalking and other crimes, police should provide victims with special assistance, including efforts to ensure the victims are informed

of services available to them. Safety planning for the victim should be made part of the special assistance provided.

III. DEFINITIONS OF STALKING AND RELATED STATE OFFENSES

A. Stalking defined:- Section 2709.1, Title 18 In Pennsylvania, under section 2709.1, a person commits the crime of stalking when the person either:

1. engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
2. engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

B. Venue

1. An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
2. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or course of conduct.

C. Grading of Offenses

1. Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree.
2. A second or subsequent offense under this section or a first under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (related to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. section 6108 (relating to relief) shall constitute a felony of the third degree.

D. Harassment Defined: Section 2909, Title 18 In Pennsylvania, under section 2709, a person commits the crime of harassment when, with the intent to harass, annoy or alarm another, the person:

1. strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same
2. follows the other person in or about a public place or places;
3. engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;
4. communicates to or about such other person any lewd, lascivious, threatening or obscene words, language drawings or caricatures;
5. communicates repeatedly in an anonymous manner;
6. communicates repeatedly at extremely inconvenient hours; or
7. communicates repeatedly in a manner other than specified in paragraphs (4), (5), and (6).

E. Probable Cause Arrest in Domestic Violence Cases - Section 2711, Title 18:A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4), and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term "family or household member" has the meaning given that term in 23 Pa. C.S. section 6102 (relating to definitions).

1. **Family or Household members defined:** Spouses or persons who have been spouses, persons living as spouses or who live as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners of persons who share biological parenthood.

IV. FEDERAL STATUTES

A. The following federal statutes may be applicable:

1. Interstate Stalking Punishment and Prevention Act, 18 U.S.C. section 2261 A

2. Interstate Travel to Commit Domestic Violence Act, 18 U.S.C. section 2261
3. Interstate Violation of a Protective Order Act, 18 U.S.C. section 2262
4. Federal Domestic Violence Firearm Prohibitions Act, 18 U.S.C. section 922(g)
5. Interstate Communications Act, 18 U.S.C. section 875(c)
6. Full Faith and Credit Act, 18 U.S.C. section 2265
7. Harassing Telephone Calls in Interstate Communications Act, 47 U.S.C. section 223(a)(1)(c).

V. CENTRE COUNTY 911/EMERGENCY COMMUNICATIONS RESPONSE TO STALKING CALLS

A. The Role of Dispatch: Telecommunications personnel should be aware of the wide variety of crimes which may be reported via 911, that could constitute stalking behavior, (See Protocol Section VI regarding conduct which may constitute stalking). Where a stalking incident is suspected, telecommunications personnel should question the caller utilizing the suggested stalking question prompts per this protocol, to determine risk for the caller and law enforcement. Any suspicion on the part of telecommunications personnel that the caller is reporting a stalking incident should be communicated to law enforcement over MCT or a secure channel, and should also be included in the data provided to all telecommunicators in the region. A potential stalking call shall be given the same priority as any other life-threatening call.

B. The Initial Call for Assistance: The telecommunicator should obtain the following information:

1. The specific location of the emergency: address, apartment, etc.
2. A call back telephone number should the call be disconnected.
3. The caller's name.
4. Whether the caller is the victim or witness.
5. The nature of the incident.
6. Whether there are injuries, and the extent or description of injuries.
 - a) if an ambulance is needed it should be dispatched.

C. Stalking Incidents - Questions to Determine Risk:

1. Is it safe to speak?
2. Is suspect present?
 - a) if not, obtain a description of the suspect, his/her expected whereabouts, a description of any vehicle involved, and direction of travel.
3. Does the suspect have a weapon?
4. Are weapons involved or present?
5. Who is in immediate danger?
6. Have you been threatened or assaulted?

7. Nature of threat or assault?
8. Likelihood of carrying out threat?
9. Is anyone under the influence of alcohol or drugs?
10. Are children present?
 - a) if so, where are they and are they OK?
11. Have there been any prior incidents?
 - a) have they been reported?
12. Does anyone have a current protection from abuse order?
13. Is suspect suicidal? If so, get specifics.

D. Dispatch Priority:

1. **Stalking Now Incident:** In the event of a stalking now incident, two officers will be dispatched immediately. Additional information may be gathered while the units are responding, and then passed on to the officers.
2. Telecommunicators should inform the caller of the intended response and provide an estimated time of arrival for law enforcement assistance. If distance or officer availability becomes a factor in providing adequate response time, the caller shall be notified of this and to the extent possible, the dispatcher shall remain on the line with the caller until police arrive.
3. In volatile situations, the telecommunicator will keep the caller on the line, if it is safe to do so, until an officer arrives at the location, or if the caller is the victim, will ask the victim for a safe location for the officer to meet him/her.

E. Check for Previously Reported Incidents and Active Protection from Abuse Orders:

1. When a call is received that could be stalking, as activity levels allow, the telecommunicator should review CAD and CRIMES data base records for prior reports, prior calls to the same residence, and whether suspect has a concealed weapons permit. Any relevant information should be radioed to the responding officers.
2. It is never permissible to cancel a stalking or domestic violence call. Police must be dispatched to investigate every call.
3. Telecommunicators must complete all required documentation/reporting of the call received.

F. Records Retention:

1. Recordings of any call reporting a stalking incident should be maintained, if possible.
2. Any documents prepared by telecommunications personnel should be maintained.

VI. IDENTIFICATION OF CONDUCT WHICH MAY CONSTITUTE STALKING BEHAVIOR

A. Stalking Defined: Stalking generally refers to harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property. These acts may not be accompanied by a credible threat of serious bodily harm, and they may or may not be precursors to an assault or murder.ⁱ

B. The following acts done together or as a series of isolated events, may evidence a course of conduct, and may constitute harassment and stalking:

1. Actual assaults on the victim
2. Violations of protective orders
3. Making threats against the victim
4. Following or spying on the victim
5. Showing up at the victim's workplace, home or school
6. Entering or attempting to enter the victim's house
7. Leaving/sending items (i.e. flowers, letters) for the victim
8. Delivering objects (i.e. dead animals) meant to cause fear
9. Injuring or killing victim's pets
10. Annoying or threatening hang-up phone calls or e-mails
11. Disabling or tapping victim's phone
12. Tape recording the victim without their knowledge
13. Photographing the victim or acquaintances of victim
14. Intercepting mail by theft or change of address at post office
15. Ordering products in the victim's name
16. Attempting to obtain information about victim from others
17. Spreading false allegations against victim (i.e. crimes, child abuse)
18. Spreading false rumors about the victim (i.e. aids, pregnancy, drugs)
19. Vandalizing property belonging to the victim
20. Disabling victim's vehicle

BEST PRACTICE: Police Departments should screen all incoming PFAs, and all police reports to assess whether or not the acts reported are consistent with a course

of conduct which may constitute stalking. Any PFAs which are suggestive of stalking may be referred to VCICM Unit for further investigation.

VII. LAW ENFORCEMENT INVESTIGATION OF STALKING

A. Preliminary Investigation: Any time a complainant reports any type of “harassing” behavior, criminal mischief, suspicious activity, phone calls or following the victim, the responding officer should be thinking about the possibility of stalking.

1. Therefore, the initial step in the investigation is to determine whether:
 - a) A criminal stalking event has actually occurred, or
 - b) The incident might be a precursor to a stalking case, or
 - c) The incident is a continuation of prior occurrences that amount to a stalking situation.
 - (1) Keep in mind that it is not uncommon for a victim to tolerate harassing behavior for some time before reporting it to police.
2. Identify the Stalker: The officer must identify the stalker. In most cases, the stalker will be known to the victim as an ex-spouse, ex-boyfriend, co-worker, former friend, or acquaintance.
3. Fundamental Preliminary Questions:
 - a) **What** happened? (Establish the crime)
 - b) **Who** did it? (Identify the suspect)
 - c) **When** did it occur? (Pinpoint time)
 - d) **Where** did it happen? (Locate the crime scene)
 - e) **Why** did it occur (Determine the motive)
 - f) **How** did it occur? (Examine the method)

BEST PRACTICE: Victim Safety: It is important to account for victim safety as part of the preliminary investigation. Officers should candidly advise stalking victims that they and their agencies cannot realistically guarantee the victim’s safety. The victim must be advised about the importance of safety, planning and that he/she will need to take a proactive stance for their own safety, within the extent of their resources. Victims should be referred to the Women’s Resource Center for guidance on safety planning. See Section VIII.

B. The Stalking Investigation: Assessment and Corroboration

1. Assessment - Impact on the Victim: Determine how the stalker's conduct is impacting the victim's life and daily activities. If the victim is genuinely in fear of the suspect, this can be an important element in sustaining probable cause for an arrest and a later conviction for stalking. The following information should be obtained:

- a) How has the victim reacted to these harassment activities?
- b) Has victim taken any steps to modify her/his lifestyle as a result of the suspect's conduct?

2. Determining Emotional Impact - Questions to Ask the Victim Which May Aid in Establishing State of Mind

- a) How are you doing?
- b) Are you eating?
- c) Are you sleeping?
- d) Are you missing work?
- e) Are you concerned for your safety?
- f) If so, what are you doing about your safety concerns?

BEST PRACTICE: Law Enforcement officers should encourage victims to document in a stalking log how the stalking has affected them and their lifestyle. The log can assist in prosecution and serve as a memory refresher for the victim if the case goes to trial following the subject's arrest.

3. Assessment - Learning About the Stalker: The officer should attempt to learn as much as possible about the stalker suspect. The following information is relevant and should be considered and documented:

- a) Personal data (name, address, DOB, prior criminal record, prior PFA's)
- b) Prior threats or violence with the complainant or any prior victims;
- c) Any prior stalking behaviors;
- d) Criminal history check on any outstanding warrants;
- e) mental illness or mental instability history;
- f) Drug or alcohol abuse;
- g) Access to or possession of firearms;
- h) Any homicidal or suicidal tendencies;
- i) Presence of any social inhibitors, i.e. any factors that might inhibit the suspect from engaging in violent behavior, such as family, social position, job, etc.;
- j) Proximity to any significant dates, such as anniversaries, birthdays, relationship break-ups, court hearings, etc.

4. Assessment: Explore Stalker's Pattern of Behavior

- a) What other suspicious or related incidents or activities have occurred?
 - (1) Is there a history of violence against victim?
 - (2) Has the suspect made prior threats? If so, what was said?
 - (3) Has the suspect been in actual pursuit of victim?
- b) Did the victim make any complaints through 911?
- c) Were police reports made on these prior incidents?
 - (1) If so, with what law enforcement agency?
- d) What is the length of time the suspect has been directing his or her activities toward the victim?
- e) Who else has the suspect acted out against, i.e. victim's family, friends, or co-workers?
- f) Does victim have a PFA? Has the suspect violated a PFA? If so, was the violation reported to the police?
- g) **Has victim previously told suspect to stop the unwanted contact or conduct?**
- h) Are there other known victims of suspect's stalking behavior?
- i) perpetrator's tendency towards emotional outbursts or rage
- j) prior mental illness history
- k) substance abuse problems
- l) possession or knowledge of or fascination with weapons
- m) a history of PFA violations
- n) annoying phone calls
- o) unsolicited phone calls
- p) unsolicited e-mail or correspondence
- q) threats of murder or suicide
- r) acts of vandalism or arson
- s) is the victim in fear
- t) does victim have any taped phone messages
- u) does victim have any objects sent by the stalker

5. The Stalking Investigation: Corroborating the Complaint

a) Collecting Evidence From the Victim:

- (1) letters, e-mail messages or notes written by suspect (preserve DNA)
- (2) Objects sent/left for victim
- (3) Any answering machine tapes
- (4) Telephone call trap information from phone company (*57 records)
- (5) Evidence of phone tapping by suspect
- (6) Any log/diary/journal of suspect contacts

BEST PRACTICE: Encourage the victim to maintain a daily log of all incidents (phone calls, e-mail communications, correspondence, etc.) which the victim feels may be conduct on the part of the suspect/stalker. See the “Stalking Log” – attachment 1.

b) Police Generated Evidence:

- (1) Use search warrants for suspect’s residence, vehicle and workplace
- (2) Any photos of victim (may have words/drawing on them)
- (3) Photographs, diagrams or drawings of victim’s home or workplace
- (4) Writings, journals or diaries of suspect that describe his activities and thoughts/fantasies of victim
- (5) Books describing stalking techniques or having subject matter of stalking violence or harassment
- (6) Keys that fit house or vehicle of victim
- (7) Any equipment that appears to have been used to stalk victim (cameras, binoculars, video recorders, computers, fax machines)
- (8) video or still photos of suspect
- (9) security videos
- (10) telephone records/seizure of cell phone of suspect
- (11) documentation of e-mail sent to victim (phone call to internet provider to freeze account until search warrant is completed)
- (12) Photograph any evidentiary items vandalized, damaged, or written on, such as walls, vehicles, etc., and process for fingerprints
- (13) Collect any physical evidence such as items left for the victim, correspondence, etc., and have it processed for fingerprints.ⁱⁱ

c) Locate Possible Witnesses: Ask the victim to identify family, friends, co-workers, neighbors, etc., who might be able to offer any additional information or otherwise corroborate any aspect of the incident in question and/or the on-going stalking situation.

6. The Stalking Investigation: Identifying the Unknown Stalker

a) If the identity of the suspect is not known by the victim, then a primary objective of the investigation is to determine the stalker’s identity. The investigation should focus on how the suspect makes contact with the victim:

- (1) Conduct police surveillance of the victim, the victim's vehicle, or the victim's home in an effort to observe the suspect approach or follow the victim;
- (2) Obtain cell phone records and telephone records;
- (3) Wire tap or pen register on the victim's phone;
- (4) Liaison with the U.S. Postal Service for mail contacts;
- (5) Contact with the victim's internet service provider for e-mail harassment.

7. The Stalking Investigation: Interviewing the Suspect

a) Purpose:

- (1) To obtain information that will corroborate what the victim has reported, and aid in proving a stalking offense in court.
- (2) To assess the danger posed by the suspect.
- (3) Where appropriate, the purpose should also be to intervene by warning the suspect that his/her actions are unwanted, unacceptable and that the conduct must stop immediately.

b) Interview Technique & Strategy

- (1) **Perform a background check on the suspect before the interview.**
- (2) **Speak with others who know the suspect, before the interview.**
 - (a) **Has the suspect enlisted others to assist in monitoring the behavior or whereabouts of the victim?**
- (3) **Videotape the interview, if possible.**
- (4) **Document the details of the interview:**
 - a) Who was present
 - b) Where the interview took place
 - c) Suspect's initial reaction to the police
 - d) Suspect's knowledge and familiarity with victim's home, work, patterns of living, daily comings and goings
 - e) Corroborate details of the victim's story such as dates, times, places, etc
 - f) Did suspect acknowledge having contact with the victim?
 - g) Suspect's demeanor toward victim
 - h) Establish the suspect's view of the relationship with the victim
 - i) Provide the suspect a chance to explain their actions; record the suspect's "side of the story"
 - j) Suspect's knowledge (or expectation) that victim would be in fear based upon the conduct (i.e. how did you expect the victim to respond?)
 - k) Determine the suspect's current state of mind and attempt to assess the threat of future stalking/violence

- l) Document in detail observations of the suspect while being questioned. Describe body language, degree of eye contact, gestures, demeanor (i.e. nervous, sweating, etc.)
- m) **Advise the suspect that the behavior is unwanted, unacceptable and must stop immediately; document this police directive- remember a warning DOES NOT preclude criminal charges from still being filed**

BEST PRACTICE: As a matter of victim safety, officers and investigators should be aware that contacting the suspect may intensify his/her interest and obsession with the victim. In some instances, police contact may trigger violent or extreme action by the suspect. Safety planning precautions should be undertaken with the victim **BEFORE** officers have contact with the suspect. Victims should be referred to those agencies which are best equipped to aid a victim with safety planning, such as VCICM, Women's Resource Center, DA's victim advocate and PSU Center For Women Students Advocate.

VIII. PROVIDING FOR VICTIM SAFETY: Officers should provide basic safety planning until the victim can meet with an advocate for detailed safety planning. Officers should cover the following with each victim.

1. Identify safe and secure housing for the victim; if none is available, refer victim to the Women's Resource Center.
2. Ensure that the victim has emergency communication equipment, i.e. cell phones. Cell phones can be obtained by the Women's Resource Center during weekday office hours.
3. Provide victim with Victims Rights and Services Brochure.
4. Inform the victim of the dangerous situation that he/she is in; Officers should acknowledge the legitimacy of the victim's fear and apprehensions. Recognizing that stalking behavior can lead to violence is a critical first step of any stalking investigation.
5. Provide the victim with the stalking log (see stalking log – attachment 1)
6. When the stalker is told that no further contact is to be made with the victim, it is important for the victim to know that the stalking behavior may continue but in different ways: the stalker may attempt to increase his/her ways to have contact with the victim or to obtain information about the victim, i.e. overt behaviors may decrease while covert behaviors may increase.

7. Refer case to the VCICM for follow-up advocacy.
8. If the relationship requirement is met between the victim and stalker under the Protection from Abuse Act, inform the victim about how to obtain a Protection from Abuse Order.
 - a. "Family and Household Members" is defined by section 6102 to include "spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood."

IX. THREAT ASSESSMENT

A. Threat Assessment: Assessing the Probability that the Suspect Will Commit an Act of Physical Violence With the Goal to Prevent Future Harm to a Victim

1. Threat Assessment

a. Does the victim believe the threat?

This is important information, even if the victim is minimizing the danger she/he faces. Consider also that words or acts that are not particularly threatening in one cultural frame of reference could well be terrorizing in another.

b. Was it made in the presence of others?

Willingness to "leave evidence" or "not caring who knows" may indicate a more serious intention to follow through.

c. Is the threat detailed and specific?

Evaluate threats in stalking the same as potential suicides—the more thought that has gone into the plan (evidenced by the amount and specificity of the detail), the more likely it

is to be acted on: "I'm going to kill you" is cause for concern; "Tonight, I'm going to rape and strangle you and hide your body where no one will ever find it" is cause for greater alarm.

d. Is it consistent with past behavior?

e. Does the stalker have the means to carry it out?

*Again, consider the parallel to assessing potential suicides-
-there's having the thought, then there's having the plan,
then there's being able to follow through. Where the
"means" are at hand, there is more risk.*

f. Have there been rehearsals of the act that is being threatened?

*There can be verbal run-throughs ("let me tell you what
I'm going to do") or partial re-enactments (showing
someone the intended weapon or the intended site for the
murder or burial.*

**g. Does the threat extend to others (such as, children, family members,
police, or new lover?)**

*Fear of harm to others may restrict a victim's willingness
to resist and/or to follow through with police and the
courts.*

h. Does it involve murder, suicide or both?

*If the stalker is a current or former intimate partner,
remember that a substantial percentage of domestic
homicides are multiple-victim killings, murder-suicides, or
murder-suicide attempts.ⁱⁱⁱ*

B. Risk Factors for Attack

1. Present or past threats to kill
2. use of weapons
3. possession of weapons
4. degree of obsession/jealousy/possessiveness towards victim
5. Violation of protective orders with little concern for consequences of jail/arrest
6. Past incidents of violence
7. Present or past threats of suicide
8. access to victim and victim's family
9. hostage taking
10. drug or alcohol abuse
11. history of prior stalking of this or other victims
12. depression or other mental illness

C. History of violence

1. Was the suspect abusive to former partners or family?
2. Has the physical violence increased over the past year?
3. Did the violence involve choking or attempted strangulation or head injury?
4. Does the suspect have a history of violence towards others? A history of sexual assault behavior? Abused animals?
5. Destroyed property, including personal property?

D. Weapons

1. Have access to weapons? Keep weapons in more than one place?
2. Is suspect trained in the use of weapons?
3. Have illegal or exotic weapons?
4. Is having and being willing to use weapons part of stalkers self-image?
5. Has past violence included show of weapons?
6. Does the victim possess weapons? Is victim trained to use weapons?

E. Escalation of Stalking Behavior

1. Does the offender enlist others to help monitor the victim?
2. Is the offender expanding his threats to those around the victim?
3. Have the behaviors of following and watching the victim increased in momentum?
4. Have the unwanted attempts to communicate with the victim increased in frequency? Persistency?

X. ARREST ISSUES

A. Should arrest be made?

- ii. Generally, the suspect should be arrested immediately whenever possible. If the officer/investigator is unsure of which charges should be filed, the District Attorney should be consulted.
- iii. Considerations for immediate arrest:
 1. Protection of victim
 2. Flight of suspect
 3. Protection of public
 4. Destruction of evidence
 5. Agency policy
- iv. Considerations for delaying arrest:
 1. Lack of physical evidence
 2. No emergencies exist, low risk
 3. Allows time for follow-up

4. Search warrant consideration for car, home, work, person, other domicile (if search warrant is needed, secure the scene until one is obtained)

B. What if the suspect cannot be located?

- i. Where the arrest cannot be accomplished because the accused has fled or cannot be located, the officer/investigator who has been responsible for efforts to apprehend the accused, should be certain that another officer or investigator will assume responsibility for continued efforts to apprehend the accused, update the victim, and communicate with the court and D.A. before concluding shift responsibilities.

XI. PRELIMINARY ARRAIGNMENT, BAIL, RELEASE AND VICTIM NOTIFICATION

C. Once an arrest has been effectuated, the accused shall be afforded a preliminary arraignment without unnecessary delay. Under no circumstances should the arresting officer release the accused before the preliminary arraignment.

D. The police officer who takes the accused for arraignment should always ask the presiding district magistrate for the following bail provisions:

- i. No contact with the victim or witnesses in person or by telephone, electronically, by letter, or by third person;
- ii. Enjoining the defendant from abusing, harassing, or intimidating the victim;
- iii. Excluding the defendant from the home, school, and/or workplace of the victim; and
- iv. Restraining the defendant from contact that will prevent the victim from performing the victim's normal daily activities.

E. If the accused is released on unsecured bond or makes bail at the preliminary arraignment, the officer present shall immediately notify the victim that the accused was released on bail, and of the protective bail provisions imposed.

F. Inform the victim how he/she can take immediate action if the stalker does not abide by the bail conditions:

- i. Ensure that the victim has a copy of the bail provisions in case they are violated in another jurisdiction.

ⁱ A Model Protocol for Maryland law Enforcement Officers, September 2002, Maryland Network Against Domestic Violence.

ⁱⁱ Creating an Effective Stalking Protocol, U.S. Department of Justice, Community Oriented Policing Services, Police Foundation, the national Center for Victims of Crime, April 2006

ⁱⁱⁱ Creating an Effective Stalking Protocol, National Center for Victims of Crime, 2002

STALKING INCIDENT LOG

Because the crime of stalking takes place over a period of time, one of the most important things you can do is to keep a detailed log of the incidents that have been happening to you. The log below is designed to help you keep track of these details. Even if you are not interested in pursuing criminal charges right now, maintaining a log will be beneficial and may aid law enforcement if the behaviors increase or get worse in the future. Log all activities that may be related to stalking. These activities can be direct and clearly related, or incidents that are unusual, not readily explainable. Be sure to include a detailed statement about how the occurrence impacted you.

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