

**STALKING BEHAVIOUR**  
**and**  
**The Crime of**  
**CRIMINAL HARASSMENT**



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## **THE PRESENTER:**

**Det. Robertson has been a serving member of the Calgary Police Service since February, 1991, and was assigned to the Domestic Conflict Unit from December, 1999 to June 2003. Det. Robertson has received formal training in: Domestic Violence, Psychology, Psychopathy, Stalking, Psychological and Clinical Factors of Risk, and Risk Assessment & Threat Management, in both Canada and the United States. Det. Robertson has investigated over 400 cases of domestic violence and stalking, and has testified regarding these matters at all court levels, including: Youth Court, Family Court, Provincial Court and Court of Queen's Bench.**

**From June, 2000, to February, 2001, Det. Robertson became involved in the Alberta Justice Working Project on Domestic Violence and in this capacity has acted as an advisory source to the Provincial Court of Alberta in matters of show cause, judicial interim release, and risk assessment & threat management. Det. Robertson has personally completed over 200 risk assessments utilizing the internationally recognized S.A.R.A. ( Spousal Assault Risk Assessment ) instrument. Det. Robertson has received formal training in the S.A.M. ( Stalking Assessment & Management ) instrument. Through training and experience, Det. Robertson has acquired a specialized knowledge in the areas of Domestic Violence and Stalking investigations. Det. Robertson has presented on stalking to members of the Justice Community throughout the Province of Alberta.**

**Curriculum Vitae available upon request**

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# Are you being Stalked ?

## Common Domestic Violence Stalking Acts

- \_\_\_\_\_ Mailing cards or other cryptic messages
- \_\_\_\_\_ Breaking windows, breaking into or vandalizing partner's home
- \_\_\_\_\_ Taking partner's mail
- \_\_\_\_\_ Leaving things such as flowers on doorstep or at work
- \_\_\_\_\_ Watching partner from a distance
- \_\_\_\_\_ Hang up calls on the telephone
- \_\_\_\_\_ Following partner with a car
- \_\_\_\_\_ Following partner on foot
- \_\_\_\_\_ Hiding in bushes or other surveillance of partner's home
- \_\_\_\_\_ Surveillance of partner at work
- \_\_\_\_\_ Other trespassing
- \_\_\_\_\_ Vandalizing partner's property
- \_\_\_\_\_ Destroying property to scare or intimidate partner
- \_\_\_\_\_ Stealing things from partner
- \_\_\_\_\_ Breaking into partner's house or car
- \_\_\_\_\_ Filing numerous pleadings in court cases
- \_\_\_\_\_ Filing for custody of children regardless of their needs
- \_\_\_\_\_ Not respecting visitation limitations
- \_\_\_\_\_ Harassing telephone calls or notes
- \_\_\_\_\_ Violation of restraining orders

✓ **If you or someone you know is the victim of any of the above acts, you may be the target of a stalker. You should contact your local police agency.**

# **PSYCHOLOGICAL TERRORISM...**

**Stalking is intentional or unintentional mind games intended to elicit fear and compliance from the intended target.**

♦The range of stalker's odd behaviours is limitless and sometimes bizarre. Breaking into a home or workplace may be an attempt to find out more information about their target. Killing of a victim's pet is a frightening act which indicates dangerousness and high risk...

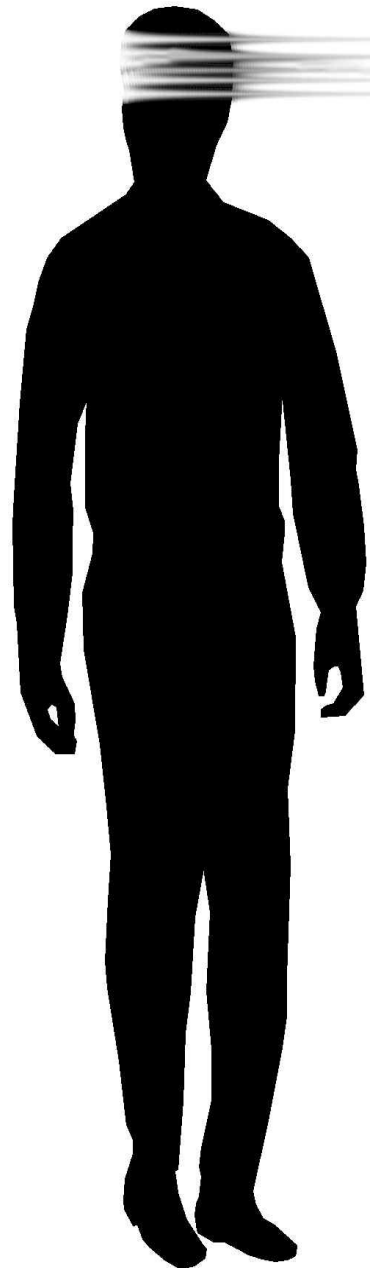
♦Approximately 1/3 of stalkers become violent. This includes credible death threats, property damage, and physical assault...

♦Despite what you see in the movies, stranger stalking is relatively rare. The most common stalking situation is for a woman to be stalked by a man she knows well...

♦RUTH MICKLEN, DIRECTOR OF VIRGINIANS AGAINST DOMESTIC VIOLENCE ESTIMATES:

**AS MANY AS 90% OF WOMEN MURDERED BY BOYFRIENDS OR HUSBANDS MAY HAVE BEEN STALKED PRIOR TO THEIR DEATHS.**

\*In Canada, from 1997 to 1999, Nine Homicides with stalking



as precipitating crime...

## **FACTS**

( 2000 Juristats Report )

- STALKING LAWS FIRST APPEARED IN CALIFORNIA IN 1991 AND WERE BASED ON HOMICIDE/ STALKING CASES. (eg. Rebecca Schaeffer )
- ALL STATES HAVE STALKING LAWS.
- 1993 - CANADA INTRODUCES CRIMINAL HARASSMENT, 264 (1) CC.
- 1999 - 5,382 DOCUMENTED CASES IN CANADA
- THE MAJORITY OF STALKERS ARE MEN WHO PREY ON WOMEN (1999 –77%)

### **Female Victims:**

- 55% WERE STALKED BY SOMEONE THEY HAD BEEN INTIMATE WITH
- 25% WERE STALKED BY CASUAL ACQUAINTANCES
- 5% WERE STALKED THROUGH A WORK RELATIONSHIP
- 7% STALKED BY A STRANGER

### **Male Victims:**

- MALE VICTIMS WERE USUALLY STALKED BY A CASUAL ACQUAINTANCE
- MALE VICTIMS ARE MOST OFTEN STALKED BY ANOTHER MALE
- 9% WERE STALKED BY AN EX-SPOUSE
- 6% WERE STALKED BY A CURRENT OR FORMER GIRLFRIEND

# **VICTIMOLOGY**

(U.S. National Survey, 1998)

**■1 in 12 Woman**

**■1 in 45 Men**

**Majority of victims: 18 to 29 yrs**

## **Duration of Stalking**

1998 U.S. study, 759 cases.

Less than 1 year	52%
1 to 2 years	16%
2 to 5 years	23%
5 years or more	9%

- ❖On average, stalking cases last 1.8 years (21 months)
- ❖Stalking cases involving current or former intimate partners last significantly longer than stalking cases involving non-intimate partners.

## **WHY DOES STALKING STOP ?**

<b>The victim moved</b>	<b>19%</b>
<b>Stalker got new love interest</b>	<b>18%</b>
<b>Police warned stalker</b>	<b>15%</b>
<b>Victim talked to stalker</b>	<b>10%</b>
<b>Stalker was arrested</b>	<b>9%</b>
<b>Stalker moved</b>	<b>7%</b>
<b>Stalker got help</b>	<b>6%</b>

**Unexplained, it just stopped**

**1%**

## **Dynamics of Stalkers**

- Can be anyone
- Extreme emotional needs
- Relentless and determined
- Manipulative/sometimes clever
- Substance abuse and propensity for addiction
- May be delusional
- Consider their actions normal
- Information Freaks

## **Common Traits of Stalkers**

- Obsessive personality
- Above Average Intelligence
- Few personal relationships
- Non-conformity to societal norms
- Low self esteem

## **Stalking Behaviours:**

- SENDING GIFTS... from seemingly "romantic" (flowers, candy) to the bizarre (bullets, blood soaked items).
- DEFAMATION... lying to others about the victim (destroy reputation – drug abuse, infidelity, STDs, etc.)
- "OBJECTIFICATION"... degrades the victim to an object (able to feel angry and act vindictive without experiencing empathy).



## **SIMPLE OBSESSIONAL**

- ❑ A PRIOR RELATIONSHIP EXISTS
- ❑ STALKER IS USUALLY MALE
- ❑ EX-LOVER, EX-SPOUSE, FORMER BOSS
- ❑ SUSPECT HAS BEGUN A CAMPAIGN OF HARASSMENT
- ❑ SHORTER IN DURATION

❖ MOST DANGEROUS TYPE OF STALKING CASE



## **LOVE OBSESSIONAL**

- ❑ STALKER PROFESSES LOVE FOR THE VICTIM, WITHOUT THE VICTIM ACTUALLY KNOWING THE SUSPECT. AN OBSESSED STRANGER.
- ❑ CAMPAIGN TO MAKE HIS/HER EXISTENCE KNOWN.
  - ✓ MOST INITIAL CONTACTS WITH VICTIM ARE VIA CORRESPONDENCE
- ❑ FACTORS WHICH ENHANCE RISK:
  - ✓ EXCESSIVE NUMBERS OF LETTERS
  - ✓ STATED INTENTION OR EVIDENCE OF DIRECTED TRAVEL
- ❑ DURATION OF STALKING IS OFTEN LONG

## **EROTOMANIC STALKER**

- ❑ STALKER BELIEVES (FALSELY) THAT THEY ARE LOVED BY THE VICTIM
- ❑ OBJECT OF AFFECTION IS USUALLY OF HIGHER STATUS, CAN BE STRANGER.
- ❑ VERY RESOURCEFUL, MULTIPLE CONTACT BEHAVIOURS
- ❑ MOST OFTEN FEMALE SUSPECT
- ❑ DELUSIONAL DISORDER (DSM IV)
  - (IDEALIZED ROMANTIC LOVE & SPIRITUAL UNION)
- ❑ NOT INCLINED TO HURT VICTIM
- ❑ THIRD PARTY INDIVIDUALS MORE AT RISK
  - (EG. WIFE, NEW GIRLFRIEND – VIEWED AS OBSTACLES)
- ❑ LONG TERM DURATION

## **FALSE VICTIMIZATION SYNDROME**

(VERY RARE, 2-5%)



- ❑ THE CONSCIOUS OR UNCONCIOUS DESIRE TO BE PLACED IN THE ROLE OF A VICTIM.
- ❑ "MUNCHAUSEN SYNDROME" (SEEKING ATTENTION)
  - ✓VICTIM IS USUALLY SUFFERING A CRISIS,
  - ✓WILL CONTROL WHEN AND WHAT IS REPORTED,
  - ✓WILL OFTEN NOT FOLLOW ADVICE IN A PRECISE MANNER.
- \* WARNING: BE SURE BEFORE YOU ACCUSE COMPLAINANT OF FALSE REPORTS...

## **Triangulation**

- **Secondary Target.** Usually a new romantic interest or someone "perceived to be". Could also be a parent, friend or co-worker.
- **RISK** can often be higher than that posed to the Primary Target.



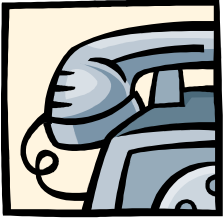
## **Uncooperative Victims**

- False Victimization Syndrome
- Stockholm Syndrome
- Battered Spouse Syndrome
- Requires trust and rapport
- Frozen by fear / feels helpless
- Fearful that taking action will cause escalation

## **VICTIM IMPACT**

**Most commonly diagnosed effect is  
Post Traumatic Stress Disorder (37%)**

- **Flashbacks and Nightmares**
- **Appetite Disorders**
- **Depression**
- **Desperation and Suicidal Thoughts**
- **Easily Frightened and overly cautious**
- **Self blame and self doubt**



# **Verbal Communications**



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## **REASON VS. EMOTION**

**HIGH REASON = MANIPULATION**  
**HIGH EMOTION = UNPREDICABILITY**

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## ***Evaluating THREATS***

- ***Unconditional* vs. Conditional**  
(Unless CONDITION is time-related)
- ***Direct* vs. Implied**
- ***Private* vs. Public**
- ***Written* vs. Verbal**
- ***Specific* vs. Vague**
- ***Severity* of proposed action**

**“Credible Threats” include:**

- ❖ **VERBAL or WRITTEN THREATS, as well as**

- ❖ A threat implied by a “PATTERN OF CONDUCT”  
(includes GESTURES)

## **Stalker Fantasies**

- **Delusions of ownership**  
“Death before divorce”...  
“If I can’t have you then no one can”...  
“you belong to me forever”...
- **Level of detail indicates length of consideration**
- **Do-able fantasy** (access to resources)
- **Realistic fantasy**  
“I will kill every other man in the world and see if you still reject me”...

## **TRIGGERS**

- **ANNIVERSARIES**
- **WEEKEND NIGHTS**
- **HOLIDAYS** (VALENTINES & MOTHER’S DAY)
- **PAYDAY**
- **COUNSELLING APPOINTMENTS**
- **COURT APPEARANCES, JAIL RELEASES**
- **CUSTODY EXCHANGES**
- **EMOTIONAL CRISIS**
- **WEATHER & CYCLES OF THE MOON**

## **RED FLAGS**

- **COMMUNICATED THREATS ARE A SIGNIFICANT INDICATOR OF HIGH RISK.**
- **PRIOR CRIMINAL HISTORY RAISES RISK OF HARM.**

- **GREATER DANGER AS ESCALATION FROM LESS PERSONAL MODES OF CONTACT TO MORE PERSONAL MODES OF CONDUCT.**

## **CRIMINAL HARASSMENT**

### ***SECTION 264(1) CRIMINAL CODE***

- (1) NO PERSON SHALL, **WITHOUT LAWFUL AUTHORITY** & KNOWING THAT ANOTHER PERSON IS HARASSED OR **RECKLESSLY** AS TO WHETHER THE OTHER PERSON IS HARASSED, ENGAGE IN CONDUCTED REFERRED TO IN SUB-SECTION 2.  
THAT CAUSES THAT OTHER PERSON **REASONABLY**, IN **ALL THE CIRCUMSTANCES**, TO FEAR FOR THEIR **SAFETY** OR THE SAFETY OF **ANYONE KNOWN TO THEM**.
- (a) REPEATEDLY FOLLOWING FROM PLACE TO PLACE THE OTHER PERSON OR ANYONE KNOWN TO THEM;
- (b) REPEATEDLY COMMUNICATING WITH, EITHER DIRECTLY OR INDIRECTLY, THE OTHER PERSON OR ANYONE KNOWN TO THEM;
- (c) BESETTING OR WATCHING THE DWELLING-HOUSE, OR PLACE WHERE THE OTHER PERSON, OR ANYONE KNOWN TO THEM, RESIDES, WORKS, CARRIES ON BUSINESS OR HAPPENS TO BE; or
- (d) ENGAGES IN THREATENING CONDUCT DIRECTED AT THE OTHER PERSON OR MEMBER OF THEIR FAMILY.

***THE SECTION OF CRIMINAL HARASSMENT (264 CC) USES SEVERAL WORDS WHICH ARE NOT DEFINED. THE MEANING OF THESE WORDS HAVE BEEN DECIDED IN COURTS ACROSS CANADA. (CASE LAW)***

## HOW MANY OCCURRENCES (CONDUCTS) DO WE NEED TO CONSTITUTE CRIMINAL HARASSMENT?

- GENERALLY, TAKING ALL THE CIRCUMSTANCES INTO CONSIDERATION - THE COURTS HAVE STATED "TWICE IS ENOUGH."
- WHEN DEALING WITH THREATENING BEHAVIOUR 264(2)(d), A CONVICTION IS POSSIBLE WITH ONE OCCURRENCE - ALL THE CIRCUMSTANCES MUST BE CONSIDERED

### "SAFETY"

THE SECTION WAS DESIGNED TO PROTECT NOT ONLY THE PHYSICAL WELL-BEING OF PERSONS.

SEVERAL COURT CASES HAVE ESTABLISHED SAFETY ALSO INCLUDES THE **EMOTIONAL & PSYCHOLOGICAL** SAFETY OF PEOPLE.

THE COURTS HAVE STATED CRIMINAL HARASSMENT IS A CRIME OF **POWER & CONTROL**.

### "REASONABLY"

THIS TERM REFERS TO THE EMPIRICAL & EXPERIENTIAL CONNECTION BETWEEN THE CIRCUMSTANCES & THE STATE OF MIND OF THE COMPLAINANT. **"IS IT REASONABLE FOR THE COMPLAINANT, IN ALL CIRCUMSTANCES, TO BE AFRAID?"**

THE ANSWER TO THIS QUESTION INVOLVES AN EXAMINATION OF **ALL THINGS KNOWN TO THE COMPLAINANT**, IN ADDITION TO ALL EVENTS THAT OCCURRED.

## **"INTENTION"**

INTENTION NEED NOT BE PROVEN. THE TEST IS **SUBJECTIVE**.  
WAS THE ACCUSED RECKLESS AS TO WHETHER THE COMPLAINANT  
WAS HARASSED?

SIMPLY PUT, WOULD A REASONABLE PERSON BELIEVE THE VICTIM  
WAS HARASSED, GIVEN ALL THE CIRCUMSTANCES?

**WARNINGS** BY VICTIM, OTHERS, POLICE OR COURTS WILL ALSO  
PROVE INTENTION.

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AN AGGRAVATING FACTOR WHICH MUST BE CONSIDERED  
BY A JUDGE AT SENTENCE —

**WHEN A COURT ORDER WAS IN EFFECT DURING THE  
OFFENCE.**

- POST-CHARGE EVIDENCE IS ALSO RELEVANT AND  
CAN BE ADMITTED AT TRIAL.
- THIS ALSO SPEAKS TO INTENT.

**COHABITATION HELD NOT TO OPERATE AS A  
BAR TO A CONVICTION OF CRIMINAL  
HARASSMENT.**

# **“Early Warning”**

- **Frequent loss of temper, and threats**
- **Abuse of alcohol and/or drugs**
- **Extreme jealousy**
- **Constant demand to know what you’re doing and who you’re with at all times**
- **Makes family and friends feel uneasy / Isolates you from family and friends**
- **Refuses to accept “no” for an answer**

## **Personal Safety**

- **STOP ANY & ALL CONTACT !**
- **Deny legitimate reasons for contact.**
- **Be aware of surroundings and “high risk” behaviours.**
- **Do not succumb to manipulation.**
- **Avoid going anywhere alone.**
- **Get support.**
  
- ✓ **Improve physical security of home.**
- ✓ **Improve information security.**  
(GARBAGE, INTERNET, ETC.)
- ✓ **Change the locks on your house.**
- ✓ **Bethany and Security upgrades.**
- ✓ **Take a self-defense course.**
- ✓ **Get a Restraining Order or EPO.**
  
- ✓ **Save all EVIDENCE (\*57, recordings, tapes, gifts, letters, etc.)**
- ✓ **Keep a log of occurrences.**
- ✓ **Have someone else retain documents.**
- ✓ **Change telephone number.**  
(RETAIN OLD NUMBER TO GAIN EVIDENCE)

# **Police Tactics**

- ➔ **Risk Assessment**
  - ➔ **Safety Planning**
  - ➔ **Warrant Applications**
  - ➔ **Detailed Show Cause**
  - ➔ **\*57 Traces, One Party Consent**
  - ➔ **Surveillance**
  - ➔ **Undercover Operator**
  - ➔ **Monitor RELEASE CONDITIONS – Breaches**
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**“ Stalking is how some men raise the stakes when woman don’t play along.**

**It is a crime of power, control, and intimidation, very similar to date rape.”**

**De Becker**

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## **Stalking – Case Study**

**( Actual CPS investigation – June/July 2003 )**

**JANE DOE (THE VICTIM) BEGAN WORKING AS A BARMAID AT THE LEN'S DEN PUB IN THE AMBASSADOR HOTEL SOMETIME IN OCTOBER OF 2002. BILLY BOB (THE ACCUSED) IS A COOK WHO WORKS IN THE KITCHEN AT THE AMBASSADOR HOTEL. BILLY BOB ALMOST IMMEDIATELY FORMED A STRONG ATTRACTION TO JANE DOE, WHICH HE MADE KNOWN TO CO-WORKERS AND PUB PATRONS.**

**IN DECEMBER OF 2002, BILLY BOB ASKED JANE DOE OUT FOR A DINNER DATE. JANE DOE DECLINED, TELLING HIM THAT SHE DIDN'T SEE THEM AS BEING MORE THAN CO-WORKERS AND CASUAL ACQUAINTANCES. THIS CAUSED BILLY BOB TO BEGAN BEING "HOT AND COLD" DURING THE REMAINDER OF DECEMBER AND INTO JANUARY 2003, ALTERNATING BETWEEN TELLING PEOPLE OF HIS AFFECTION FOR JANE DOE AND STATING "SHE'S JUST A FUCKING WHORE AND WILL FUCK ANYONE".**

**ON VALENTINES DAY 2003, BILLY BOB APPROACHED JANE DOE AT WORK AND PRESENTED HER WITH A BOUQUET OF RED ROSES AND A TEDDY BEAR. LATER IN FEBRUARY 2003, BILLY BOB SPOKE WITH JANE DOE AND TOLD HER "I REALIZE THAT NOTHING IS GOING TO HAPPEN BETWEEN US, AND I'M OVER YOU NOW, BUT YOU WILL ALWAYS HAVE A SPECIAL PLACE IN MY HEART."**

**SOMETIME AT THE END OF APRIL 2003, JANE DOE BEGAN SEEING JOHN SMITH (WITNESS). JANE DOE WAS APPROACHED BY BILLY BOB WHO TOLD HER THAT HE KNOWS WHERE SHE LIVES (DESCRIBING THE EXTERIOR OF HER CONDO) AND WHAT CAR SHE DRIVES. HE ALSO STATED THAT HE KNEW WHERE JOHN SMITH LIVED AND OFTEN WENT BY THE RESIDENCE TO LOOK FOR HER CAR AFTER HE GOT OFF WORK. HE WENT ON TO TELL HER THAT HE HAD BEEN FOLLOWING HER FOR THE LAST MONTH. DURING ANOTHER CONVERSATION IN APRIL 2003, BILLY BOB TOLD JANE DOE ABOUT SPEAKING WITH A FORMER LOVER OF HERS AND THEN RELATED EXPLICIT DETAILS ABOUT HER SEXUAL PREFERENCES AND BEDROOM, ALONG WITH OTHER INTIMATE DETAILS.**

**SOMETIME AT THE END OF MAY 2003, JANE DOE HAD GONE TO VISIT JOHN SMITH AND FELL ASLEEP ON THE COUCH. JOHN SMITH WOKE HER UP AND TOLD HER THAT "I THINK SOMEONE JUST THREW SOMETHING AT MY CAR." THE FOLLOWING MORNING, THEY FOUND DRIED SLURPEE ON THE CAR AND ADJACENT PAVEMENT.**

**ON A THURSDAY EVENING, DURING THE BEGINNING OF JUNE 2003, JANE DOE WAS VISITING JOHN SMITH. THEY WERE SITTING OUT ON THE FRONT PORCH. THEY BOTH OBSERVED BILLY BOB, DRIVING A WHITE NEON, DRIVE SLOWLY PAST THE RESIDENCE APPROXIMATELY 6 OR 7 TIMES BETWEEN 3:30 AND 4:00 AM. THE RESIDENCE IS LOCATED ON A NO-THRU CUL-DE-SAC. THE NEXT DAY, BILLY BOB GAVE JANE DOE A NOTE AT WORK WHICH STATED "I'M SO SO SO SORRY FOR STALKING YOU LAST NIGHT."**

**ON FRIDAY, 2003 JUNE 20, BILLY BOB LEFT A NOTE STUCK ON THE MAILBOX AT JOHN SMITH'S RESIDENCE. THE NOTE STATED, "KEEP THE FUCK AWAY FROM MY WOMAN... LAST W..." ON 2003 JUNE 21, JOHN SMITH WENT DOWN TO THE AMBASSADOR HOTEL AND CONFRONTED BILLY BOB. BILLY BOB ADMITTED TO AUTHORIZING AND LEAVING THE NOTE, STATING HE DID IT BECAUSE HE THINKS OF JANE DOE AS "HIS WOMAN". HE THEN KEPT ASKING JOHN SMITH AGAIN AND AGAIN IF HE WAS HAVING A RELATIONSHIP WITH JANE DOE AND IF IT WAS SERIOUS?**

**ON THE MORNING OF 2003 JUNE 22, THE BOYFRIEND OF JANE DOE'S SISTER WAS LEAVING JANE DOE'S RESIDENCE AT APPROXIMATELY 5:00 TO 5:30 AM. AND OBSERVED BILLY BOB PARKED IN THE WHITE NEON AND WATCHING THE RESIDENCE.**

**DURING ONE CONVERSATION THAT JANE DOE HAD WITH BILLY BOB, SHE RECALLS HIM TELLING HER THAT "SHE IS THE FIFTH GIRL THAT HE HAS DONE THIS TO, BUT HE CAN'T HELP HIMSELF... EVEN THOUGH HE KNOWS IT'S CRAZY."**