OVW Funding

This project was supported by Grant No. 2017-TA-AX-K074 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
Participate in Today’s Training

* Send a text to 22333
* In the body of the text type “EndStalking”
* Done correctly, you will get a response stating you’ve joined the poll
To show this poll

1. Install the app from pollev.com/app
2. Start the presentation

Still not working? Get help at pollev.com/app/help or Open poll in your web browser
<table>
<thead>
<tr>
<th>Service</th>
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</thead>
<tbody>
<tr>
<td>In-Person Training</td>
</tr>
<tr>
<td>Webinars</td>
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<tr>
<td>Online Resources</td>
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<tr>
<td>Individual &amp; Organizational Assistance</td>
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<tr>
<td>Policy / Protocol Development &amp; Consultation</td>
</tr>
<tr>
<td>National Stalking Awareness Month Materials</td>
</tr>
</tbody>
</table>
www.StalkingAwareness.org

* Training modules
* Victim resources
* Practitioner guides
* Webinars

@followuslegally
Stalking Elements
Defining Stalking

Legal

Behavioral
Stalking is a Crime

- Federal
- All 50 States; District of Columbia; U.S. Territories
- Tribal Codes
- UCMJ

Contact SPARC for more information on your jurisdiction’s laws!
Behavioral Definition

Stalking

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

* Not a single incident or “one off” event
* Called a “course of conduct” in most stalking statutes
...Directed at a specific person...
...That would cause a reasonable person to feel fear
Context is critical in stalking cases.
Context

* Something may be frightening to the victim but not to you
* Stalking behaviors often have specific meanings
* Stalking criminalizes otherwise non-criminal behavior
Victim Reaction: Is it Fear?
Understanding Fear and Context

Fear is:

* Not always articulated

* Often masked by other emotions: frustration, anger, hopelessness, etc.

* Cumulative over time
Stalking Prevalence and Behavior
Prevalence in a Lifetime

More than 1 in 6 WOMEN

More than 1 in 17 MEN

Victims

Women report experiencing stalking at higher rates than men do.

Perpetrators

The majority of stalking victims reported that the perpetrator was male.

Image Results for “Stalking”
Relationships

The majority of the time, the victim knows the perpetrator.

Victim and Offender Relationships

- **Current/Former IP**: 43% (Male), 62% (Female)
- **Acquaintance**: 17% (Male), 26% (Female)
- **Stranger**: 11% (Male), 15% (Female)
- **Family member**: 7% (Male), 3% (Female)
- **Person of authority**: 3% (Male), 2% (Female)

Stalking Risk

18-24 year olds experience the highest rates of stalking (among adults).

Understanding Stalking: Stalking Behaviors
Identifying Course of Conduct

*Surveillance*  
*Life Invasion*

*Interference*  
*Intimidation*

Group Activity: Identifying SLII Strategies
**SLII Examples**

**Surveillance**
- Follow
- Watch
- Wait
- Show up
- Tracking software
- Obtain information about victim
- Proxy stalking

**Life Invasion**
- Unwanted contact at home, work, etc.
- Phone calls
- Property invasion
- Public humiliation
- Harass friends/family
### Interference
- Financial and work sabotage
- Ruining reputation
- Custody interference
- Keep from leaving
- Road rage
- Attack family/friends
- Physical/sexual attack

### Intimidation
- Threats
- Property damage
- Forced confrontations
- Threaten or actually harm self
- Threats to victim about harming others
Stalking Behaviors

unwanted phone calls and messages: 66%
spreading rumors: 36%
following or spying: 34%
unwanted letters and email: 31%
showing up at places: 31%
waiting for victim: 29%
leaving unwanted presents: 12%

Multiple Behaviors

* 78% of stalkers use more than one means of approach
* 66% of stalkers pursue their victim at least once per week
* 20% of stalkers use weapons to threaten or harm victims

Why Do They Stalk?

- Seeking affection
- Power & control
- Rejection
- Obsession
- Planning to commit a crime
- Because they can
Impact on Victims
Impact on Stalking Victims

Many stalking victims:

* Experience mental health issues including depression, anxiety, insomnia and social dysfunction.

* Lose time from work. 1 in 8 employed stalking victims lose time from work and more than half lose 5 days of work or more.

* Relocate. 1 in 7 stalking victims move.


“It’s not easy to describe the fear you have when you see the stalker, or signs of the stalker, everywhere you go. I have given up all hopes of ever having a safe life.

For the rest of my life, I will be looking over my shoulder, expecting to see him there.”
Kansas Stalking Law
Stalking (K.S. §21-5427)

(1) Recklessly engage in Course of conduct;
   * Reasonable person in same circumstances would feel fear for safety for themselves or their immediate family
   * Fear actually caused

(2) Engage in course of conduct; OR
   * Knowing victim would feel fear for safety for themselves or their immediate family

(3) Violates Protective Order
   * Violation must also be specific under course of conduct definition
Defining “Course of Conduct”

• 2 or more acts evidencing a continuity of purpose
• Can include, but not limited to:
  1. Threatening safety;
  2. Following about;
  3. Appearing in close proximity to home, employment, school or other usual place;
  4. Damage to victim’s property;
  5. Leaving objects- directly or indirectly;
  6. Hurting a pet;
  7. Any act of communication.
Not included under stalking statute:

- Constitutionally protected activity.
- Conduct necessary to accomplish a legitimate purpose independent of making contact with the victim.
Co-Occurring Crimes

Or “other acts evidencing a continuity of purpose”
Co-Occurring Crimes = Course of Conduct

- Invasion of Privacy (K.S. § 21-6101)
- Blackmail (K.S. § 21-5428)
- Unlawful Acts Concerning Computers (K.S. § 21-5839)
- Harassment by telecommunications device (K.S. § 21-6206))
- Identity Theft; Identity Fraud (K.S. § 21-6107)
- Any related Battery, sex offense, burglary and/or trespass crimes.
Identity Theft

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

Many Crimes Co-occur

Conejo man accused of vandalism, stalking his ex

Woman who stalked, sexually assaulted friend sentenced to community corrections

Man charged with stalking, extortion against Tinder match

Howell police charge teen with armed robbery and stalking
Stalking and Intimate Partner Violence
To show this poll

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Still not working? Get help at pollev.com/app/help or Open poll in your web browser
Adapted from the Domestic Abuse Intervention Project's Power and Control Wheel
Point When Stalking Occurs

- During Relationship: 21%
- During & After Relationship: 36%
- After relationship ends: 43%

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

Intimate Partner Stalking Risk

More separation attempts than victims of intimate partner violence alone


Intimate partner stalkers are more likely to assault third parties than non-intimate stalkers

Lethality Risks

76%
- Femicide by intimate partner
- At LEAST 1 episode of stalking within year prior to murder

85%
- Attempted femicide by intimate partner
- At LEAST 1 episode of stalking within year prior to attempted murder

Stalking and Sexual Violence
Intersections of Stalking & Sexual Assault

- Stalker threatens or plans to sexually assault the victim
- Stalker attempts to get someone else to assault the victim
- Stalker sexually assaults the victim
- Stalker contacts victim after sexual assault
Jebidiah Stipe, Wyoming Marine, Solicited Ex-Girlfriend’s Rape And Assault On Craigslist

Details emerge in Web rape case
California Marine also tried to solicit rape of ex-wife, authorities say

By WILLIAM BROWNING - Star-Tribune staff writer   Feb 5, 2010   📝 0

Judge gives man 60 years in Craigslist rape case
Grooming for Sexual Assault as Stalking

* 6% of the 1882 college men surveyed met the criteria for attempted or completed rape.

* These were repeat perpetrators who averaged about 6 rapes per person.

Grooming for Sexual Assault as Stalking
Cont’d

Repeat sexual assault perpetrators on campus often premeditated the rape:

* Chose targets intentionally. Identified vulnerable young women, often focusing on freshmen
* Contacted multiple times: invited them to parties, messaged through social media, texting and call.

Grooming for Sexual Assault as Stalking
Cont’d

**Plied with alcohol**

- Served drinks, controlled alcohol, made strong drinks

**Isolated victims**

- Many had rooms set up at their parties for the purpose of committing rape

**Contacted after**

- Texted, messaged and/or called to either threaten and/or invite to another party

Sexual Assault Victims Who Also Experienced Stalking (Ages 18-24)

Think Broadly About “Contact”

* In-person contact
* Third person contact
* Phone
* Texting
* Email
* IM/Chat
* Social networking sites
  * Contact with victim
  * Postings to own or other people’s sites
Jebidiah Stipe, Wyoming Marine, Solicited Ex-Girlfriend’s Rape And Assault On Craigslist

Details emerge in Web rape case
California Marine also tried to solicit rape of ex-wife, authorities say

By WILLIAM BROWNING - Star-Tribune staff writer    Feb 5, 2010    📰 0

Judge gives man 60 years in Craigslist rape case
“Herrick says the person controlling the fake profiles will often tell the visitors Herrick will ‘say no when he means yes’ or that he’d sent them away only to hide them from his jealous roommate, and that they should return.”

https://www.wired.com/2017/01/grinder-lawsuit-spoofed-accounts/
Threat Assessment
More Dangerous Times

* Separation
* Protective order served / criminal arrest
* Offender’s loss of job, other life events
* Increase in quantity of contacts
* Escalation in behaviors
* History of substance abuse
* Possession and / or fascination with weapons
* History of violence, especially towards victim
* Threats of murder / murder-suicide
More Dangerous Offenders

* History of substance abuse
* Possession and / or fascination with weapons
* History of violence, especially towards victim
* Threats of murder / murder-suicide
* History of mental illness
* Actual pursuit
* Vandalism, arson
* Tendency towards emotional outbursts and rage
* History of violating protection orders
Threat Assessment Tools

Among others...

* Lethality Assessment Plan (LAP)
* Danger Assessment - dangerassessment.org
* Mosaic - mosaicmethod.com
* Idaho Risk Assessment of Dangerousness
## Lethality Assessment Project

A “Yes” response to any of Questions # 1 – 3 automatically triggers the protocol referral.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not Ans.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has he/she ever used a weapon against you or threatened you with a weapon?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has he/she threatened to kill you or your children?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you think he/she might try to kill you?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Negative responses to Questions # 1 – 3, but positive responses to at least four (4) of Questions # 4 -11 trigger the protocol referral.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not Ans.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does he/she have a gun or can he/she get one easily?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Has he/she ever tried to choke you?</td>
<td></td>
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<tr>
<td>Is he/she violently or constantly jealous or does he/she control most of your daily activities?</td>
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<tr>
<td>Have you left him/her or separated after living together or being married?</td>
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<tr>
<td>Is he/she unemployed?</td>
<td></td>
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<tr>
<td>Has he/she ever tried to kill himself/herself?</td>
<td></td>
<td></td>
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<tr>
<td>Do you have a child that he/she knows is not his/hers?</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Does he/she follow or spy on you or leave threatening messages?</td>
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<td></td>
</tr>
</tbody>
</table>
Latest Reports

For a quick reference on stalking check this out!

Stalking: Connecting the Dots For Advocates
Stalking: Connecting the Dots For Judges
Stalking: Connecting the Dots For Law Enforcement
Stalking: Connecting the Dots For Victims
Stalking: Connecting the Dots For Friends
Stalking: Connecting the Dots For Mental Health Professionals

Stalking and Harassment Assessment & Risk Profile (SHARP)

Frequently Asked Questions About the Stalking and Harassment Assessment & Risk Profile (SHARP)
Enter a Stalking and Harassment Assessment & Risk Profile (SHARP)
Leave Feedback about SHARP

SHARP Narratives Convey the Big Picture of Victims' Experience of Stalking (BATTERED WOMEN'S JUSTICE PROJECT)

Partner Abuse: Looking Beyond Physical Assault to
Stalking Harassment Assessment and Risk Profile (SHARP)

Narrative Report
- Articulate the story with a short summary
- Third party perspective

Safety Management Tool
- Safety suggestions tailored to responses

http://www.cdar.uky.edu/CoerciveControl/sharp.html
Case Study: Peggy Klinke
Discussion Questions

* Do you think Patrick poses a threat?
  * If so, to whom?
* What additional information do you want?
* How would you, in your professional capacity, work with Peggy at this point?
* What options and resources would you provide to Peggy?
* Are there agencies / organizations that would be useful to collaborate with in this case?
  * How could they be helpful to you or Peggy?
Coordination

Law enforcement

Probation/parole/corrections

Courts

Prosecutors

Advocacy

Victim service providers
**Systemic Response**

- **Educate**: Awareness of stalking, safety planning
- **Investigate**: Context, pattern, and mode of stalking
- **Communicate**: Across disciplines, jurisdictions
- **Prosecute**: Hold offenders accountable
Social Normalization of Stalking
Facebook Stalking

“I was totally Facebook stalking you and I saw you went to Mexico – it looked awesome!”

Is this stalking? Why or why not?
Impacts of Media Normalization

* Builds empathy with stalkers rather than victims

* Leads victims to minimize experiences

* Leads potential supports / friends of victims to dismiss experiences

* Misinforms general public about dangers and realities of stalking

* Creates an environment where stalkers can get away with stalking
The Use of Technology to Stalk
Technology does not cause stalking.

Stalkers cause stalking.
Should Victims “Just Log Off”?
Possibility of Escalation

“...the victim’s attempts to distance themselves from their stalker actually frustrate or anger the stalker, leading to an increase in the physical threat to their lives.”

Technology May Include

* Social Networking Sites
* Texting and Messaging Apps
  * (WhatsApp, Snapchat)
* Spyware
* Keystroke logging software
* Cameras
* GPS Devices
* Smart Devices (Alexa)
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Open poll in your web browser
Cell Phone Technologies
*67 Calls: TrapCall (trapcall.com)

Reveal blocked callers with TrapCall

PROTECT YOURSELF NOW

No Caller ID → (503) 950-4341
Text Messages: Documentation

* Text:
  * On phone
  * Digital image of phone face
  * StitchIt; Tailor Apps
  * Screen Recorder App

* Victims can get detailed copies of their own phone bills
Call and Text Spoofing

Gives caller ability to change number shown on caller ID or text, change sound of voice and to record calls.
Spoofing Demo
Spoof Phone Calls
Evidence with Spoofing

* Phone records from: victim, “friend”, and suspect
* Victim’s records show “friend” called
* Friend’s records show no call
* Suspect’s records show a call to spoof service
  * Call the number and record
* Financial records of suspect
Evidence with an App

* If you have access to suspect’s phone, screen shot of app downloaded
* If no access, can you access “store” to look for a history of the app being downloaded?
* Financial records if the suspect paid for the app
Cell Phone Spyware
Cell Phone Spyware
Would You Notice a New App?
Spyware

* Overt Spyware (Like SpyGenie)
* Dual-use apps: designed for a legitimate purpose but can be repurposed by a stalker (Find my iPhone)
* Most require physical access to the phone
* Many are covert
Spyware Warning Signs

* Offender knows things that they could only know if they have access to the phone

* Battery overuse and / or high data usage

* Offender has or had physical access (though not always necessary!)
Consider...

* Wiping phone and restoring factory settings
  * Discuss risks
* Keeping phone for limited use
  * Don’t reveal location information
* Using a different, safer phone
  * No-contract phones, donated phones
Global Positioning System (GPS) Devices
Child Trackers

Jiobit tracks no matter how far they run.
You’re Not The Only One With Resolutions...

Make it a great year for you and your best friend with a Tagg GPS Plus Pet Tracker

SHOP NOW

FEATURED ON

GOOD MORNING AMERICA  abc NEWS  FOX NEWS  CNBC  THE WALL STREET JOURNAL  The New York Times

SPARC
Geotagging
Exif Viewers Show Geo-Info

Exif: Exchangeable image file format

Descriptive data (meta-data) in an image file that include the date the photo was taken, resolution, shutter speed, focal length and geolocation
Exif Viewer Demo
Does the Site Strip Exif Data Before Posting?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>• Facebook</td>
<td>• Google</td>
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<tr>
<td>• Twitter</td>
<td>• Tumblr</td>
</tr>
<tr>
<td>• eBay</td>
<td>• DropBox</td>
</tr>
<tr>
<td>• Instagram – unless pic was added to Photo Map</td>
<td>• Email</td>
</tr>
<tr>
<td>• Flickr – gives the option</td>
<td></td>
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</tbody>
</table>
Disabling Geo-Data

Search “how to disable geotagging on a [phone make/model]”
Cameras
Cameras
“After installing a video camera at their home, the family recorded Brown numerous times driving by their home, then turning around and driving past the home in the other direction,” the affidavit said.

Franconia man charged with stalking, harassment

By Bob Keeler bkeeler@21st-centurymedia.com @bobkeeler on Twitter  Nov 9, 2018  Comments

Smart Devices
Smart Devices

* Any device that has access to the internet: Alexa/Google Home, thermostat, lights, alarm systems, fridges...
* Typically connect through home WiFi
* Can often be controlled remotely
* Called the “Internet of Things”
Video: Smart Home Hacked
Social Media
Social Media Reach

MONTHLY USERS

<table>
<thead>
<tr>
<th>Social Media</th>
<th>Monthly Users</th>
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</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>2B (June 2017)</td>
</tr>
<tr>
<td>YouTube</td>
<td>1.5B (June 2017)</td>
</tr>
<tr>
<td>Instagram</td>
<td>700M (April 2017)</td>
</tr>
<tr>
<td>Twitter</td>
<td>328M (April 2017)</td>
</tr>
<tr>
<td>WhatsApp</td>
<td>1.2B (February 2017)</td>
</tr>
<tr>
<td>Snapchat</td>
<td>255M (Approx.) (May 2017)</td>
</tr>
<tr>
<td>Facebook Messenger</td>
<td>1.2B (April 2017)</td>
</tr>
<tr>
<td>WeChat</td>
<td>889M (December 2016)</td>
</tr>
</tbody>
</table>

TechCrunch 2017
Exploiting Social Media

* Gather information on the victim
  * Location
  * Plans

* Communicate
  * Post on victim’s page
  * Post about the victim on their own or other’s pages

* Create fake sites
Dating Websites
Dating Websites Can be Used to...

* Identify victims
* Contact victims
* Impersonate victims
* Distribute intimate images of victims
* Ruin reputation
* Set up “dates” that result in harassment and/or assault
He made a fake Tinder profile with his ex’s photo, cops say. Now he faces stalking charge.

SPOOFED GRINDR ACCOUNTS TURNED ONE MAN’S LIFE INTO A ‘LIVING HELL’

Former officer lured, stalked women from dating site
Law Enforcement Contacts

* Tinder: legaldept@gotinder.com
* Plentyoffish: legaldept@match.com
  * Plentyoffish.com (POF) is owned by Match.com and should provide subscriber info pursuant to a subpoena.
  For additional content information, a Mutual Legal Assistance Request (MLAT) through the DOJ Office of International Affairs is required.

SUBPOENA:
A subpoena can be sent to them, under the entity name: Plentyoffish Media ULC.

* legal@grindr.com
* legalhelp@zoosk.com
Law Enforcement Contacts

* Eharmony: address 2401 Colorado Ave Suite A200 Santa Monica, CA 90404 (ISP Search)
* Website contact # 844-544-3173
* Ourtime (Singles 50+)
* Peoplemedia.custhelp.com
Facebook
Facebook Documentation

* Capture and save screenshots (PrntScrn)

* Some sites offer a “download your information” service in account settings

https://www.facebook.com/settings

General Account Settings

To download your information, go to Your Facebook Information.

Name: Dana Fleitman

Username: https://www.facebook.com/dana.fleitman

Contact: Primary

Ad account contact:

Temperature: Fahrenheit

Manage Account: Modify your Legacy Contact settings or deactivate your account.

Identity Confirmation: Confirm your identity to do things like run ads related to politics and issues of public importance.
Download Your Information

You can download a copy of your Facebook information at any time. You can download all of it at once, or you can select only the types of information and date ranges you want. You can choose to receive your information in an HTML format that is easy to view, or a JSON format, which could allow another service to more easily import it.

Downloading your information is a password-protected process that only you will have access to. Once you've created a file, it will be available for download for a few days.

If you'd like to view your information without downloading it, you can Access Your Information at any time.

<table>
<thead>
<tr>
<th>New File</th>
<th>Available Files [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Range:</td>
<td>October 2, 2017 - October 3, 2017</td>
</tr>
<tr>
<td>Create File</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Your Information</th>
<th>Deselect All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posts</td>
<td>![Post Icon]</td>
</tr>
<tr>
<td>Photos and Videos</td>
<td>![Photo Icon]</td>
</tr>
<tr>
<td>Comments</td>
<td>![Comment Icon]</td>
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<td>Likes and Reactions</td>
<td>![Like Icon]</td>
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<td>Friends</td>
<td>![Friend Icon]</td>
</tr>
<tr>
<td>Following and Followers</td>
<td>![Follow Icon]</td>
</tr>
<tr>
<td>Messages</td>
<td>![Message Icon]</td>
</tr>
</tbody>
</table>
Facebook Online Request

Law Enforcement Online Requests

Request Secure Access to the Law Enforcement Online Request System

We disclose account records solely in accordance with our terms of service and applicable law.

If you are a law enforcement agent or emergency responder who is authorized to gather evidence in connection with an official investigation or in order to investigate an emergency involving the danger of serious physical injury or death, you may request records from Facebook through this system.

I am an authorized law enforcement agent or government employee investigating an emergency, and this is an official request

Request Access

Warning: Requests to Facebook through this system may be made only by governmental entities authorized to obtain evidence in connection with official legal proceedings pursuant to Title 18, United States Code, Sections 2703 and 2711. Unauthorized requests will be subject to prosecution. By requesting access you are acknowledging that you are a government official making a request in official capacity. For further information please review the Law Enforcement Guidelines.
Information for Law Enforcement Authorities

These operational guidelines are for law enforcement officials seeking records from Facebook and Instagram. For private party requests, including requests from civil litigants and criminal defendants, please visit the Help Center. Users seeking information on their own accounts can access Facebook’s “Download Your Information” feature from their account settings. This information may change at any time.

U.S. Legal Process Requirements

We disclose account records solely in accordance with our terms of service and applicable law, including the federal Stored Communications Act (“SCA”), 18 U.S.C. Sections 2701-2712. Under U.S. law:

- A valid subpoena issued in connection with an official criminal investigation is required to compel the disclosure of basic subscriber records (defined in 18 U.S.C. Section 2703(c)(2)), which may include: name, length of service, credit card information, email address(es), and a recent login/logout IP address(es), if available.

- A court order issued under 18 U.S.C. Section 2703(d) is required to compel the disclosure of certain records or other information pertaining to the account, not including contents of communications, which may include message headers and IP addresses, in addition to the basic subscriber records identified above.

- A search warrant issued under the procedures described in the Federal Rules of Criminal Procedure or equivalent state warrant procedures upon a showing of probable cause is required to compel the disclosure of the stored contents of any account, which may include messages, photos, videos, timeline posts, and location information.

- We interpret the national security letter provision as applied to Facebook to require the production of only 2 categories of information: name and length of service.
Snapchat
Snap Map
Snapchat Ghost Mode

* Ghost Mode allows you to turn your location on and off on the Map
  * Only Me (no one sees you)
  * Select Friends (you choose who sees you)
  * My Friends (all your friends can see you)
Snapchat

• Legal process submissions and general questions: lawenforcement@snapchat.com

• All requests must contain a username

Username. Unique. Can be used to locate a Snapchat account

Vanity name. Non-unique. Can’t be used to locate a Snapchat account
Emergency Situations

24/7 LE Operations support for exigent matters
  - School shooting threats, active kidnappings
  - Emergency Disclosure response form submission via email
  - Law enforcement.snapchat.com/emergency

Snap Inc.

Law Enforcement Online Service

Snapchat Emergency Disclosure Requests

The form that follows is for use only by SWORN LAW ENFORCEMENT OFFICIALS, specifically those requesting release of Snapchat user information on an EMERGENCY BASIS in order to assist in averting an imminent threat of death or bodily harm.

All other requests should be submitted via email to lawenforcement@snapchat.com.

To request review or takedown of a Snapchat account based on an alleged Terms of Service violation, please contact: safety@snapchat.com.
Nonconsensual Distribution of Intimate Images
Non-Consensual Distribution of Intimate Images

* Sexually explicit media that is publicly shared online without the consent of the pictured individual
* 43 states + DC have laws, federal law proposed
* [www.cybercivilrights.org/revenge-porn-laws](http://www.cybercivilrights.org/revenge-porn-laws)
Resources: Non-Consensual Image Distribution

Free services for victims of stalking: Safeshepherd.com/advocates

* Additional Resources:
  * Cyberrightsproject.com
  * Cybercivilrights.org  For victims: 1-844-878-CCRI
  * Cagoldberglaw.com
  * Dmcadefender.com
  * Copybyte.com
Identifying and Obtaining Sources of Digital Evidence
Where to Look

Victim

Social Media Posts

Offender

Family Members

Friends
**Tools**

**Subpoenas**
- Subscriber information
- Transaction history
- IP addresses

**Search Warrants**
- Cell phones
- Computers
- Social Media

**Court Orders**
- Location data
- Tower dumps

**Consent?**

**This is an area of law that is constantly changing, please check your local law**
The Basics

Preserve Evidence

Legal Authority - Warrant or Consent
• Ask for Passcodes

Speak to Examiner

Manual Inspection
The Medium

Computer
- Emails
- Internet history
- Synced information

Cell Phone
- Text messages
- Photos
- 3rd-party applications

Social Media
- Online posts
- Photos, videos, & memes
- Comments

Internet of Things
- GPS
- Fit bit
- Wi-Fi-enabled home appliances
Other Considerations

* Preservation letters
* Non-disclosure orders
* Consent to assume online presence
* Mutual Legal Assistance Treaty (MLAT)
  * Companies that are outside the U.S.
* Law Enforcement guides and online portals
  * Search.org
* Secondary searches & “taint” teams
Cell Phone Examinations

* Contact list
* Call logs
* Text & multimedia message (MMS) content
* Photos & videos
* Calendars
* Task lists

* Browser history
* Linked accounts
  * Facebook
  * KIK, Skype
* Email
* Chats
* Wi-Fi
* Location data
Locked Cell Phone

* Consent
* Court Orders
  * Password
  * Thumbprint (alt. Search Warrant)
    * Time limit = 4 – 48 hours
* Search warrant for the linked Cloud account
* Stay tuned...
Admitting Digital Evidence
What are you trying to admit?

How are you going to authenticate it?

How are you going to link the evidence to the offender?
What are you Admitting?

* Testimony
* Records
* Screenshot / photograph
* Printout
* Forensic Report
* Manual Examination
  * Video
Authentication

* “Authentication of a writing is required before it may be received into evidence.”
* Must be supported by direct or circumstantial evidence to show writing is what it is claimed to be.
* Burden is “minimal” or “slight”.
* Once authenticated, discrepancies go to weight.
  * State v. Robinson, 363 P.3d 875 (Kan. 2015)
Do text messages, emails, social media postings = writings?

* “Writing” means handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any tangible thing any form or communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

K.S.A. § 60-401

* Covers text messages, emails, social media postings
Ways to Authenticate

* Testimony from people involved with communication that were consistent with content of social media / electronic communication
* Action by purported author in conformance with content (i.e., makes plans to meet and then shows up, reference to past oral conversations)
* Admissions of authorship of content contained in social media / electronic communication
* Admission of ownership or access of device where content was recovered from
* Certified business records of content
Linking the Evidence to the Offender
Making the Link
Circumstantial Evidence

* Where was the device found?
* Who is the account registered to?
* What is the name on the social media account?
* Is someone familiar with the regular use of the account?
* Who has access to the photographs?
* Are there words or phrases that are commonly used by the offender?
  * Remember if offender is using unrecognized or spoofed phone number.
* See *State v. Hill*, 228 P.3d 1027 (Kan. 2010) and *State v. Milum*, 447 P.2d 801 (Kan. 1968). (Handwritten notes properly authenticated by content even when handwriting wasn’t recognized.)
Reporting and First Response
Less than 40% of stalking victims report to law enforcement.

Stalking is Rarely Charged

Only 5% to 16% of stalking cases are charged as stalking when police have all the information they need to charge.

Why?


First Response

Any time a victim reports any type of harassing behavior

* Consider the possibility of a stalking case

* Determine whether this is an isolated incident or repeated conduct
Why Charge Any Applicable Charge?

1. Important for building the stalking case
2. Charging stalking results in either
   * Stopping the stalking; OR
   * Being able to build a better case
3. Increased options
   * Plea bargaining
   * Sentencing
   * Enhanced penalties
Victim Privacy Concerns
Medical records
Educational records
Counseling records
Diaries
Emails
Social media
Phone records
Smart phones
Internet searches
Smart TVs
WiFi Home Devices
And more...
For many victims, “privacy is like oxygen; it is a pervasive, consistent need at every step of recovery. Within the context of the legal system, if a victim is without privacy, all other remedies are moot.”

“[J]ustice, though due the accused, is due the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true.”

Justice Cardozo, Snyder v. Massachusetts, 291 U.S. 97 (1934)
Counseling Victims

* Explain privacy implications
* Offer options to facilitate limited disclosure:
  * Printing pictures / files
  * Screenshots / photographs of content
  * Downloading certain information to storage device
  * Suggesting alternate sources of information
  * Retain a private technology company
* Caution that the prosecution may be impacted by court rulings on admissibility of evidence
Different Approach

* Default approach to discovery is to turn everything over
  * Cannot be accused of not complying with *Brady*
  * Open file policies

* What is actual discovery obligation?
Exculpatory Information

Brady
* Evidence favorable to the accused
  * Negates a defendant's guilt
  * Reduces a defendant's potential sentence
* Evidence going to the credibility of a witness

Giglio
* Disclosure of any “deals” made by the government to a witness
* Any impeachment evidence for any witness
Discovery & Inspection Relating to Non-expert Witnesses

K.S. § 22-3212(b)(1),

Upon request, prosecutor shall permit defense to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, which are or have been within the the possession, custody, or control of prosecution, & which are...

* Material to case and

* Will not place unreasonable burden upon prosecution
What if “Material to Case” is Close Call?
K.S. § 22-3212(g)

“Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted, enlarged or deferred or make such other order as is appropriate.”
Safety Planning
Responding to Victims

- Advise disengagement
- Documentation
- Safety needs and support services
## 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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Documentation is Key

Victim Logs

Police Reports

Evidence Preservation
Safety Issues to Discuss with Victim

How to balance freedom and safety

Next steps in case something does happen

Risk reduction versus absolute safety

Protection orders

Technology misuse
Common Victim Responses

* Inconsistent accounts of incidents
* Over-focus on one particular incident; lack of focus on others
* Minimization of the issue
* Not wanting other parties to “get in trouble”
* Thinking others will not believe
* Taking measures to deal with it on their own
Orders of Protection

Consider:

* Pros and cons
* Quality of enforcement
* Is the victim willing to call the police?
* Violation rates (at least 45% for female victims)

Stalking Case Cards

Group Discussion
Discussion Questions

Choose up to 5 cards, one at a time. Consider each card as part of a pattern of behavior/course of conduct from the same victim.

After each card you select, discuss the following questions:

1. If you received a call about this situation, what would your reaction be?
2. Does this seem like a stalking case?
3. Is this criminal behavior? How or how not?
4. How might you collect evidence from the victim?
5. What safety planning tips would you give to the victim?
Investigations and Hearings
Investigations & Hearings

* Consider
  * Pattern
  * Quantity
  * Intensity of the behavior

* Focus on respondent behavior

* Questions for both complainant and respondent

Special thanks to Frances Keene from Virginia Tech for this important information
# Victim Contact

## Law Enforcement

**TIPS**

- **First contact is critical!**
  - You may determine how or if the victim continues to work with law enforcement

- **Have resources on hand**
  - Palm cards, local victim assistance resources

- **Preserve evidence right now**
  - Take pictures of text messages

- **Prepare for the long haul**
  - Doing a good job now helps your fellow officers and the victim down the road
When There’s Not Enough to Charge

TIPS

• File other charges:
  • Violations of orders
  • Harassment
  • Any tech related charges
• Warning call
• Monitoring the case
• Use resources:
  • Police, neighbors, co-workers, friends, family, security guards, maintenance employees
Warning / Notice to Respondent

* Use language “you are making the victim afraid”
* Get response from respondent
* Record the warning when possible
* Document the warning / no-contact letters
Questions for Suspects & Victims

Types of Questions

* Context Questions
  The relationship and context in which the contact occurred.

* Fear & Emotional Distress Questions
  How, why and in what ways the behaviors caused fear.

* Unwanted Contact
  Why it was clear that the contact was unwanted.
Respondent Interviews

Often, stalking offenders want to talk about their victims and explain away what they are doing to convince others they are “right” in their behaviors...

“Tell me how what you’re doing is being misunderstood.”
Resources for Professionals
Champions for Justice

AEquitas is a nonprofit organization focused on developing, evaluating, and refining prosecution practices related to gender-based violence and human trafficking. We’re a team of former prosecutors with decades of experience, working globally to hold offenders accountable and promote victim safety.
National Resources

*Something Can be Done!* Guide

- http://withoutmyconsent.org/resources

Cyber Civil Rights Initiative

- https://www.cybercivilrights.org

National Crime Victim Law Institute

- https://law.lclark.edu/centers/national_crime_victim_law_institute/
Tech Safety

Welcome to the Tech Safety App. This app contains information that can help someone identify technology-facilitated harassment, stalking, or abuse and includes tips on what can be done.

Download on the App Store
Get it on Google Play
www.StalkingAwareness.org

* Training modules
* Victim resources
* Practitioner guides
* Webinars

@followuslegally
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2. Start the presentation

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or
Open poll in your web browser
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