



# SPARC

STALKING  
PREVENTION,  
AWARENESS,  
AND RESOURCE  
CENTER

**Know More, Do More:**  
**Recognizing and Responding to Stalking**

# 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



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**In-Person Training**

**Webinars**

**Online Resources**

**Individual & Organizational Assistance**

**Policy / Protocol Development & Consultation**

**National Stalking Awareness Month Materials**

# [www.StalkingAwareness.org](http://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...

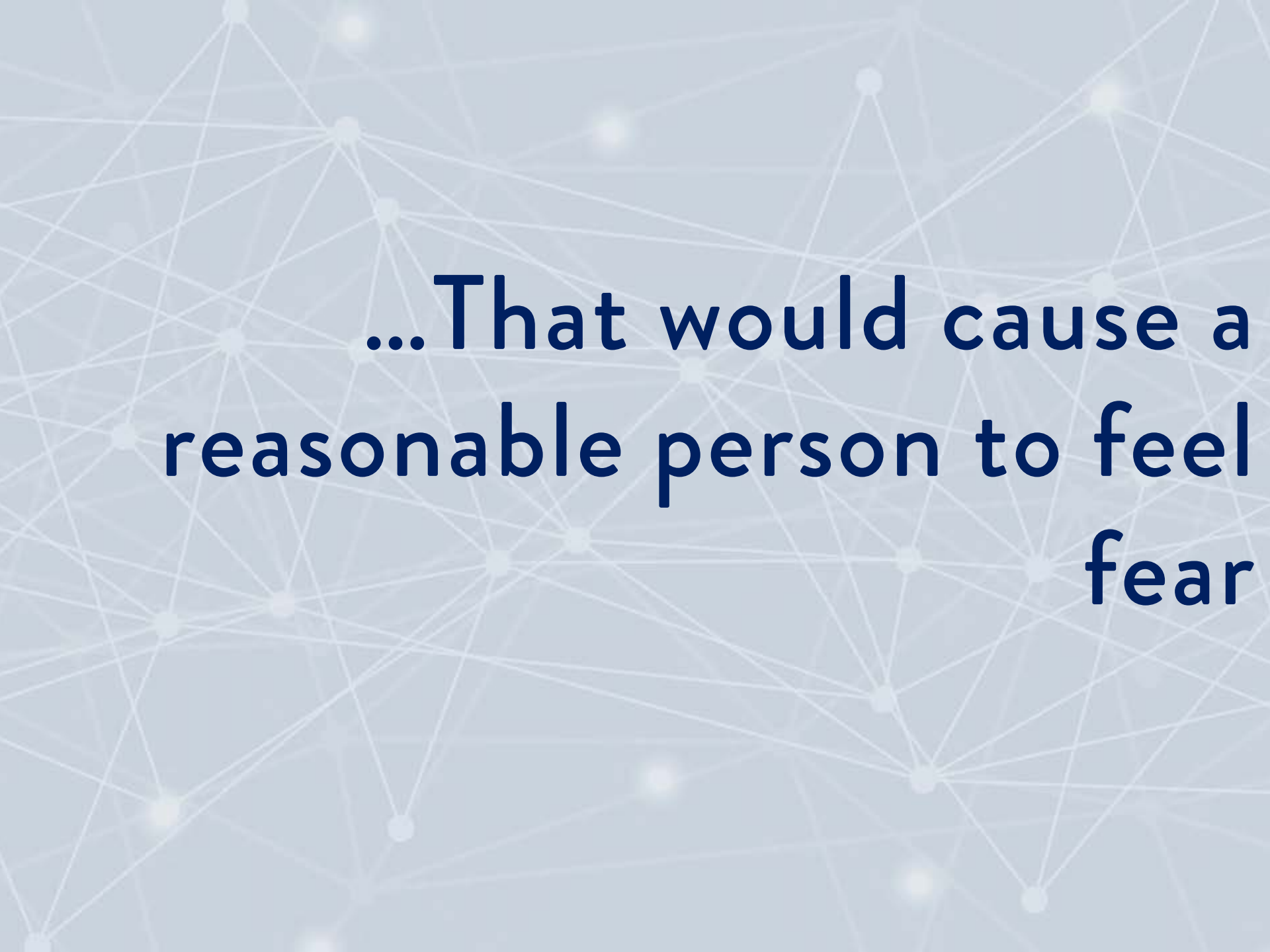
- \* Not a single incident or “one off” event
- \* Called a “course of conduct” in most stalking statutes





...Directed at a specific person...



The background of the slide features a complex network of thin, light blue lines connecting numerous small, light blue circular nodes. These nodes are scattered across the entire frame, creating a web-like or molecular structure that suggests interconnectedness or a digital network.

**...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

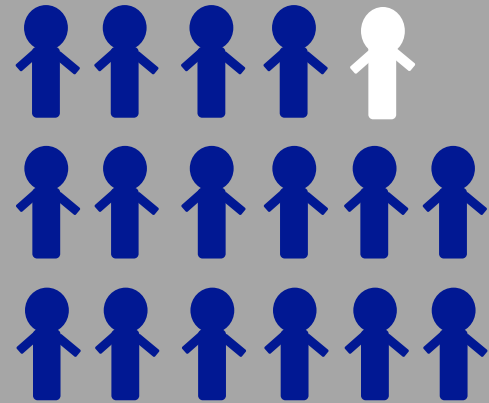
# Stalking Prevalence and Behavior

# Prevalence in a Lifetime

More than  
**1 in 6**  
WOMEN



More than  
**1 in 17**  
MEN



Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., & Chen, J. (2018). The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

# Victims

Women report experiencing stalking at higher rates than men do.

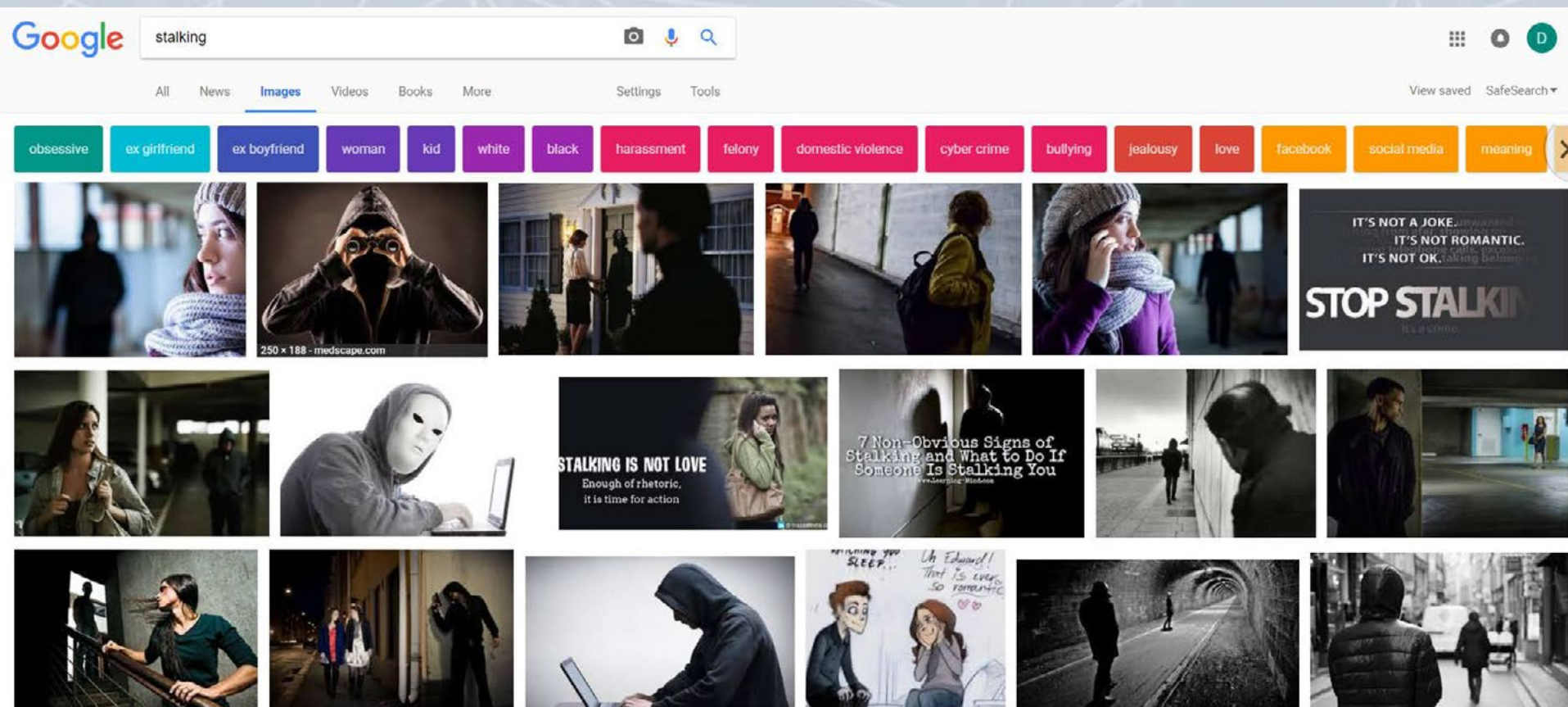
Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J. & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.



# Perpetrators

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

# Image Results for “Stalking”

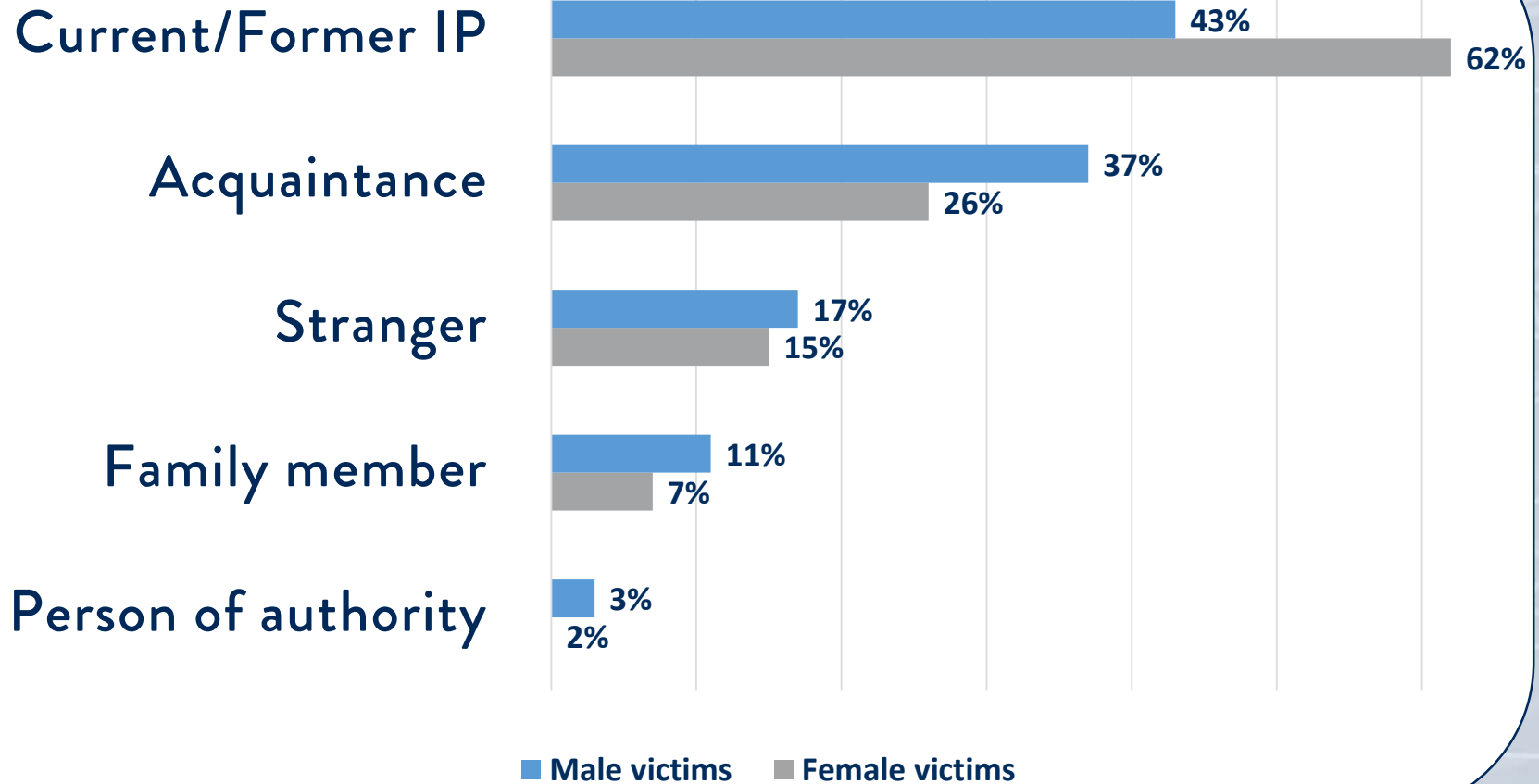


# Relationships

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

Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J. & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

# Victim and Offender Relationships





# Stalking Risk



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

Baum, K., Catalano, S., Rand, M. (2009). *Stalking Victimization in the United States*. Washington, DC: Bureau of Justice Statistics. Retrieved from <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.

# Understanding Stalking: Stalking Behaviors

# Identifying Course of Conduct

S  
L  
I



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

# SLII Examples

Cont'd



## Interference

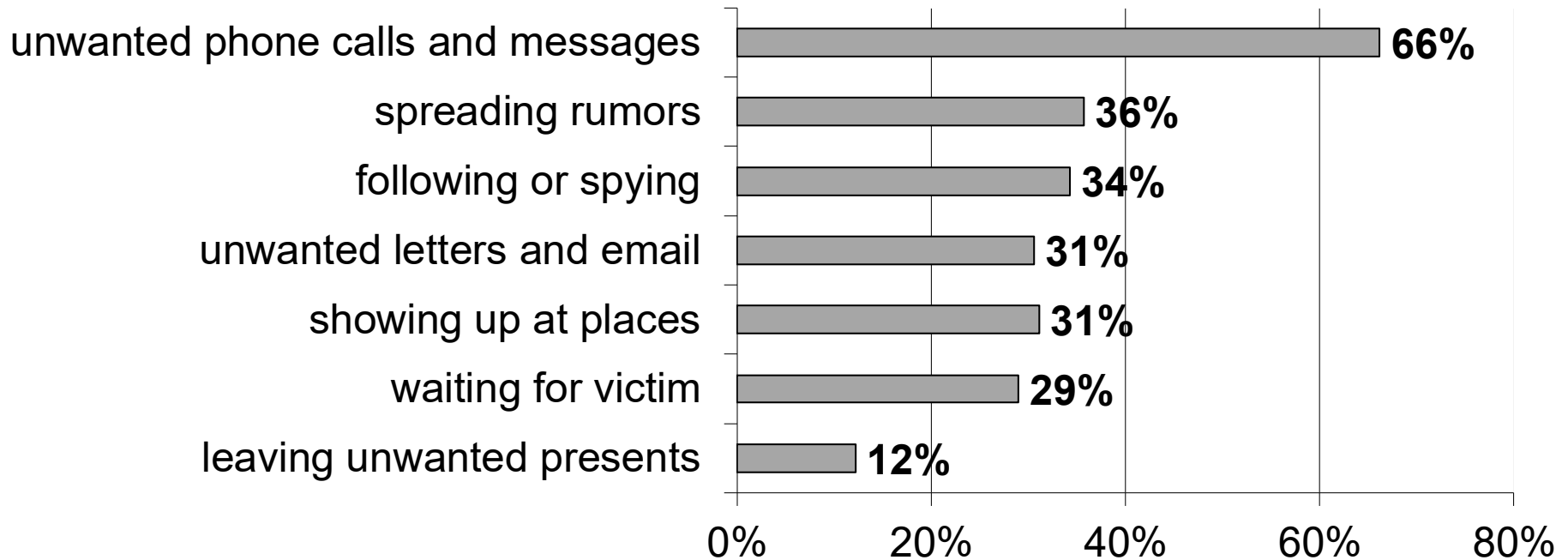
- Financial and work sabotage
- Ruining reputation
- Custody interference
- Keep from leaving
- Road rage
- Attack family/friends
- Physical/sexual attack



## Intimidation

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

# Stalking Behaviors



Baum, K., Catalano, S., Rand, M. (2009). *Stalking Victimization in the United States*. Washington, DC: Bureau of Justice Statistics. Retrieved from <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.

# 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.

Baum, K., Catalano, S., Rand, M. (2009). *Stalking Victimization in the United States*. Washington, DC: Bureau of Justice Statistics. Retrieved from <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.

Blaauw, E., Arensman, E., Winkel, F.W., Freeve, A., & Sheridan, L. (2002). The Toll of Stalking. *Journal of Interpersonal Violence* 17(1): 50-63.

“

*“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.

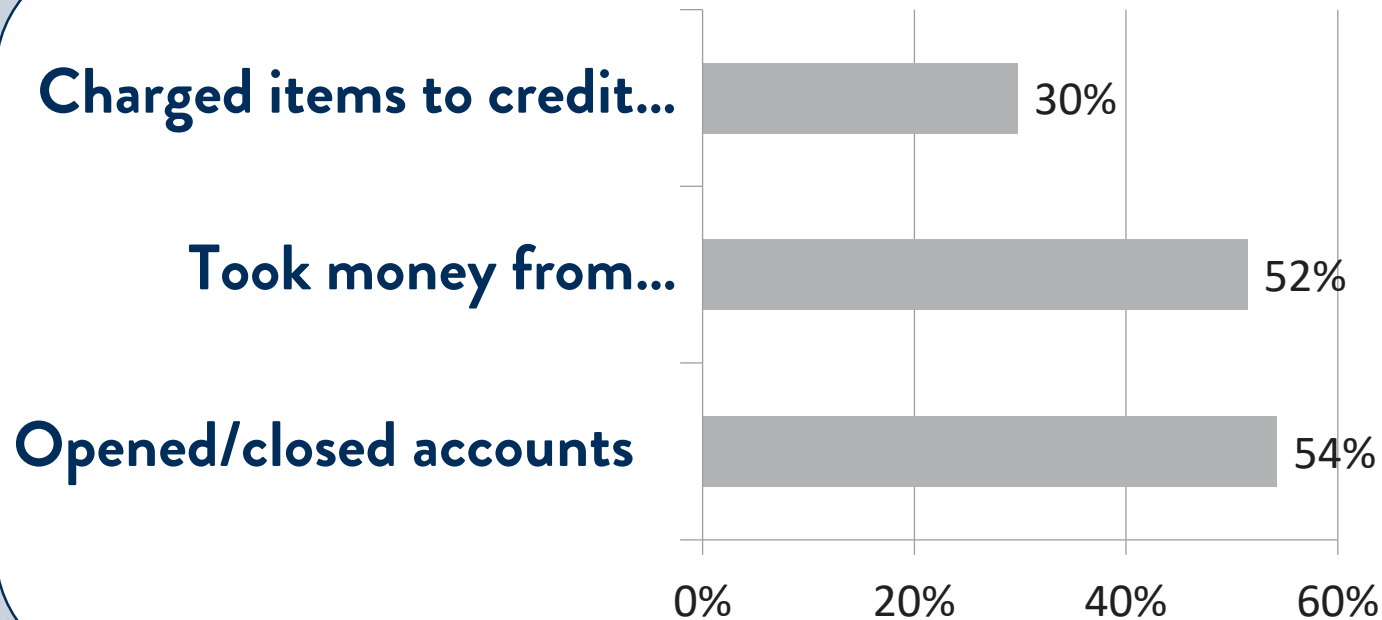
# Co-Occurring Crimes

*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



# Many Crimes Co-occur

## Conejo man accused of vandalism, stalking his ex

[Jeremy Childs](#), Ventura County Star Published 11:42 p.m. PT Dec. 21, 2018 | Updated 12:42 a.m. PT Dec. 22, 2018

## Woman who stalked, sexually assaulted friend sentenced to community corrections

[Sady Swanson](#), Fort Collins Coloradoan Published 2:19 p.m. MT Dec. 19, 2018 | Updated 2:27 p.m. MT Dec. 19, 2018

## Man charged with stalking, extortion against Tinder match

[Hayes Hickman](#), USA TODAY NETWORK – Tennessee Published 9:27 a.m. ET Oct. 24, 2017 | Updated 1:11 p.m. ET Oct. 25, 2017

## Howell police charge teen with armed robbery and stalking

Posted: Mar 09, 2018 4:25 PM EST





# Stalking and Intimate Partner Violence



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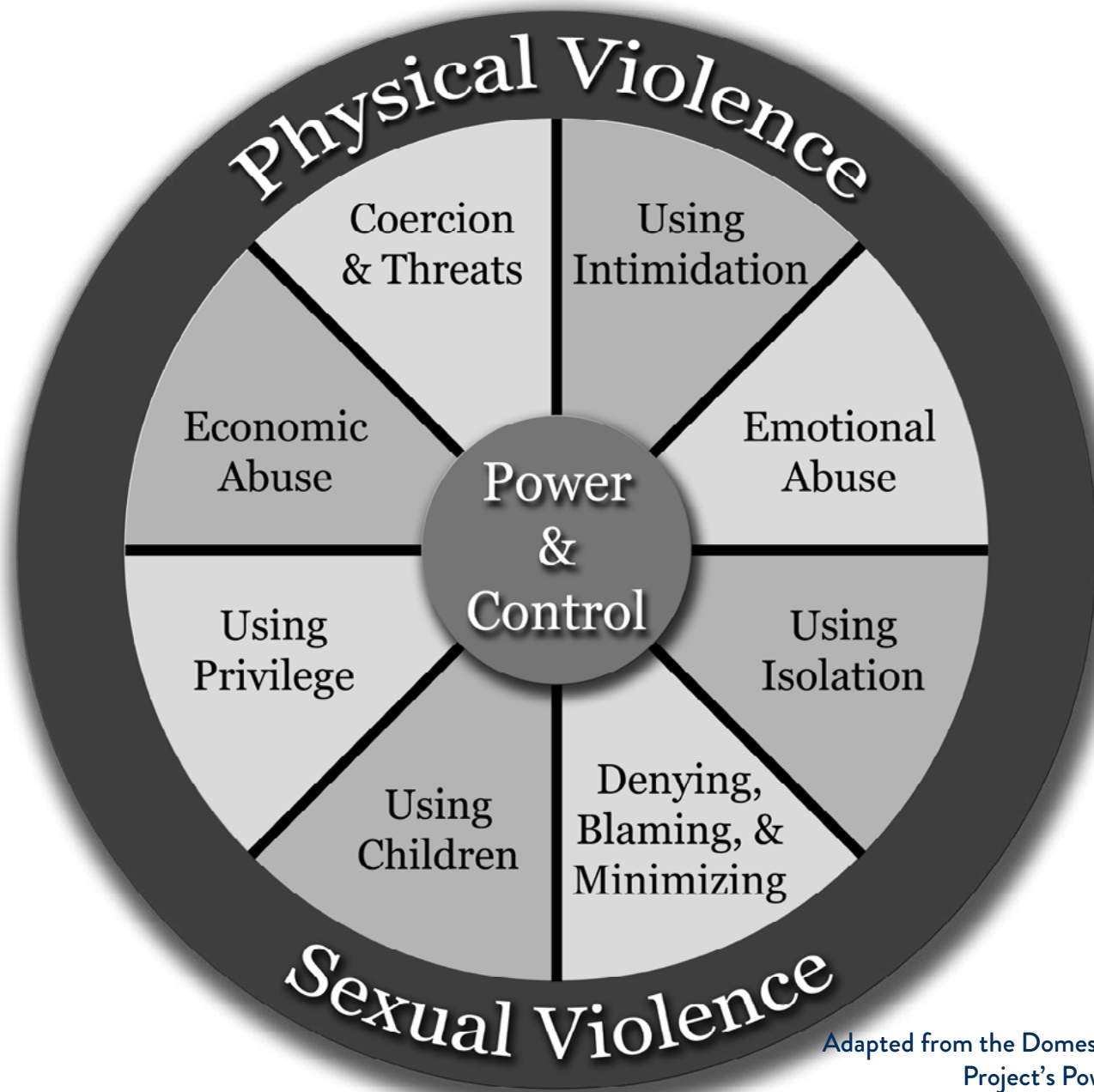
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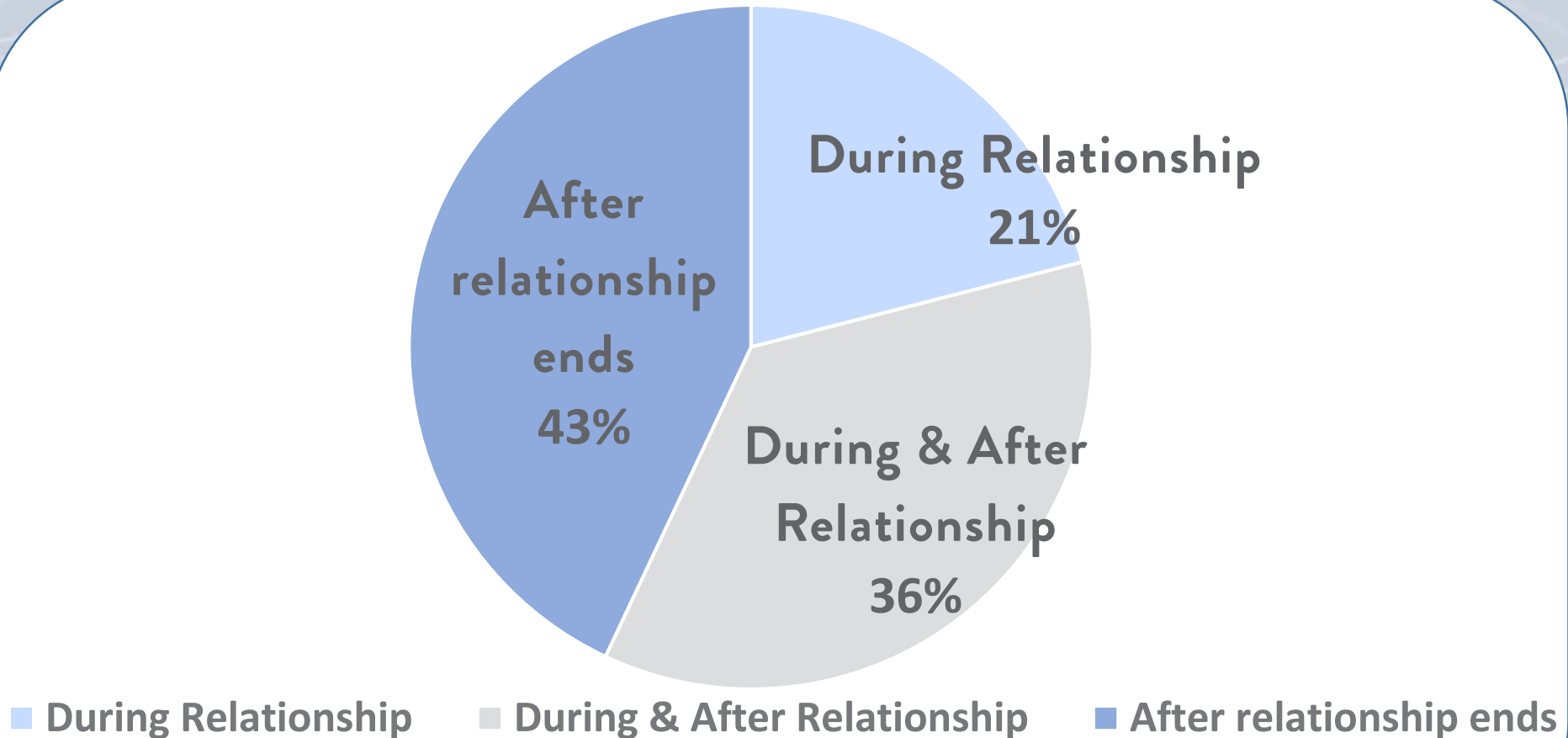
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Adapted from the Domestic Abuse Intervention  
Project's Power and Control Wheel

# Point When Stalking Occurs



# 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

Mohandie, K., Meloy, J.R., McGowan, M.G., & Williams, J. (2006). The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers. *Journal of Forensic Sciences*, 51(1), 147-155.



# Intimate Partner Stalking Risk

More separation attempts than victims of intimate partner violence alone

Logan, T.K., Shannon, L., & Cole, J. (2007). Stalking Victimization in the Context of Intimate Partner Violence. *Violence Vict.* 22(6), 669-683.

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

Sheridan, L. & Davies, G.M. (2006). Violence and the Prior Victim-Stalker Relationship. *Criminal Behaviour and Mental Health* 16(2): 102-116.

# 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

McFarlane, J., Campbell, J.C., Wilt, S., Ulrich, Y., & Xu, X. (1999.) Stalking and Intimate Partner Femicide. *Homicide Studies* 3(4), 300-316. Retrieved from [http://ncdsv.org/images/HomicideStudies\\_StalkingAndIntimatePartnerFemicide\\_11-1999.pdf](http://ncdsv.org/images/HomicideStudies_StalkingAndIntimatePartnerFemicide_11-1999.pdf).

# 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

**DENVER** 04/07/2010 05:12 am ET | Updated Dec 06, 2017

# Jebidiah Stipe, Wyoming Marine, Solicited Ex-Girlfriend's Rape And Assault On Craigslist

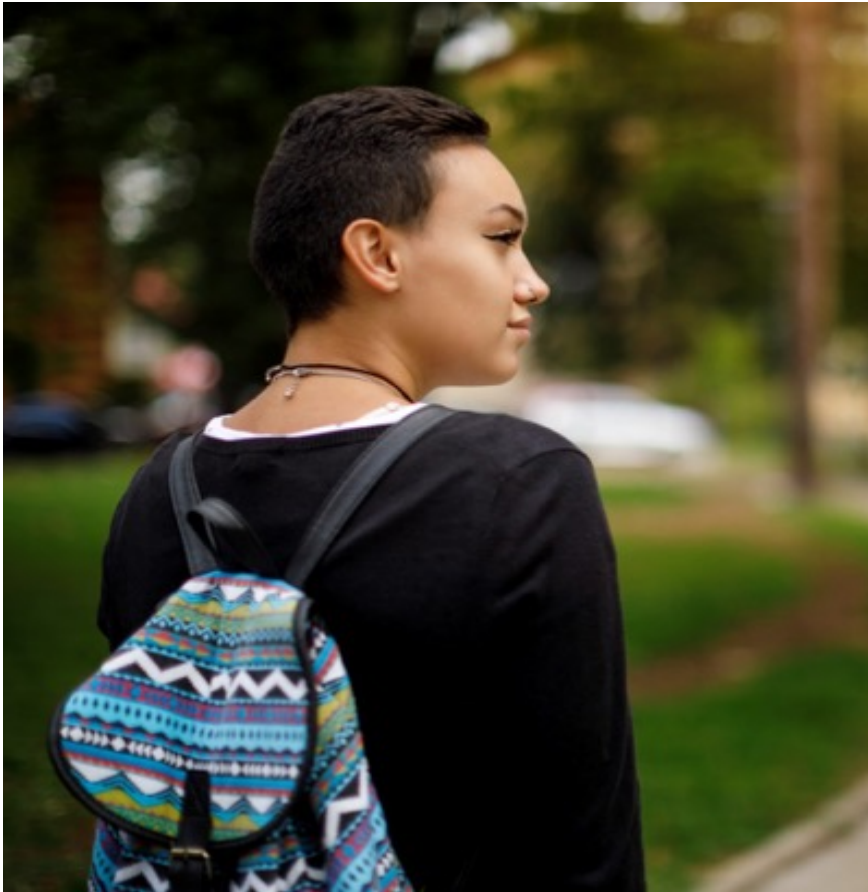
## Details emerge in Web rape case

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.

Lisak, D & Miller, P. (2002). Repeat Rape and Multiple Offending Among Undetected Rapists. *Violence and Victims* 17(1), 73-84.  
Retrieved from <https://www.davidlisak.com/wp-content/uploads/pdf/RepeatRapeinUndetectedRapists.pdf>.



# 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

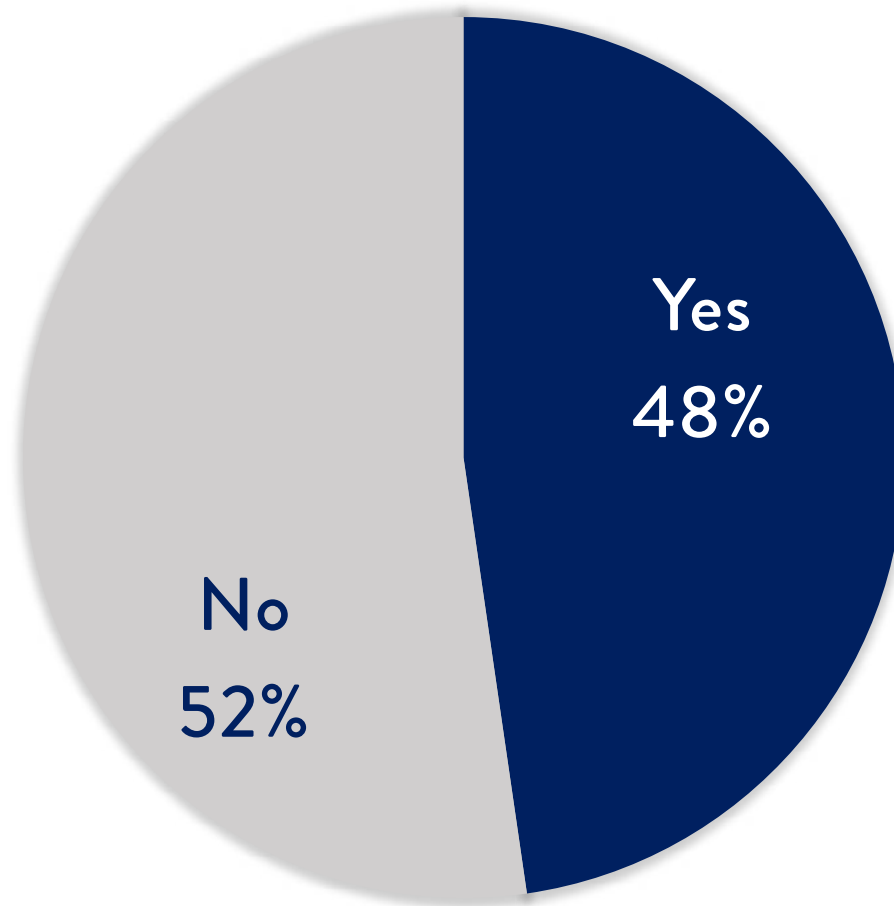
## Isolated victims

- 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)



Brady, P. Q., & Woodward Griffin, V. (2019). The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results. mTurk Findings, 2018.

# 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




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## 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.”*

ANDY GREENBERG SECURITY 01.31.17 02:57 PM

## **SPOOFED GRINDR ACCOUNTS TURNED ONE MAN'S LIFE INTO A 'LIVING HELL'**

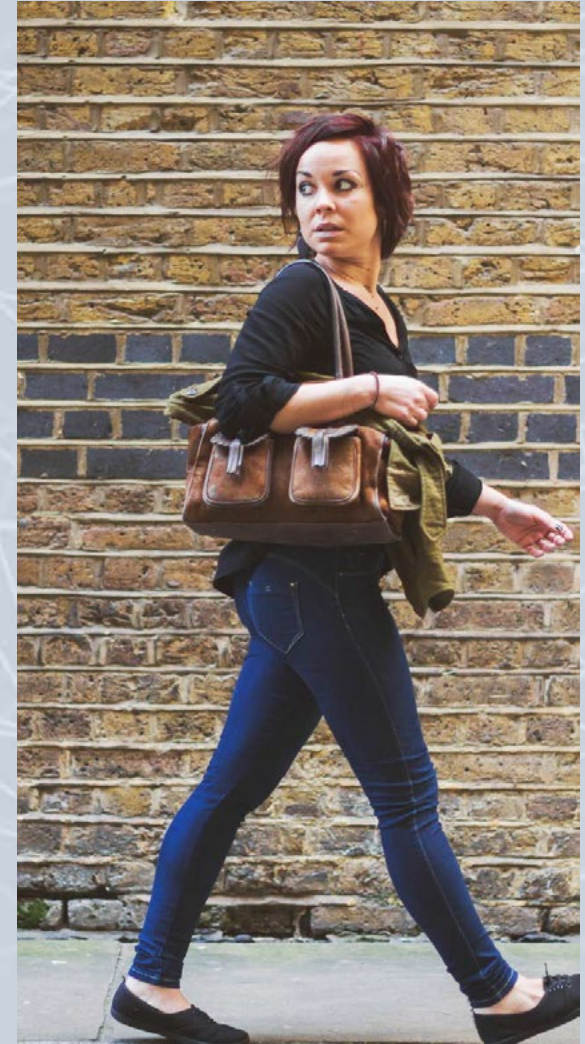
<https://www.wired.com/2017/01/grinder-lawsuit-spoofed-accounts/>

# 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](http://dangerassessment.org)
- \* Mosaic - [mosaicmethod.com](http://mosaicmethod.com)
- \* Idaho Risk Assessment of Dangerousness

# Lethality Assessment Project

➡ A "Yes" response to any of Questions # 1 – 3 automatically triggers the protocol referral.				
1.	Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
2.	Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
3.	Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.

➡ Negative responses to Questions # 1 – 3, but positive responses to at least four (4) of Questions # 4 -11 trigger the protocol referral.				
4.	Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
5.	Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
6.	Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
7.	Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
8.	Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
9.	Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
10.	Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.
11.	Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Ans.

Louisville Metro Police Dept. DV Lethality Screen for First Responders



## 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](#)

[Partner Abuse: Looking Beyond Physical Assault to](#)



## 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 \(BATTERED WOMEN'S JUSTICE PROJECT\)](#)

# 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



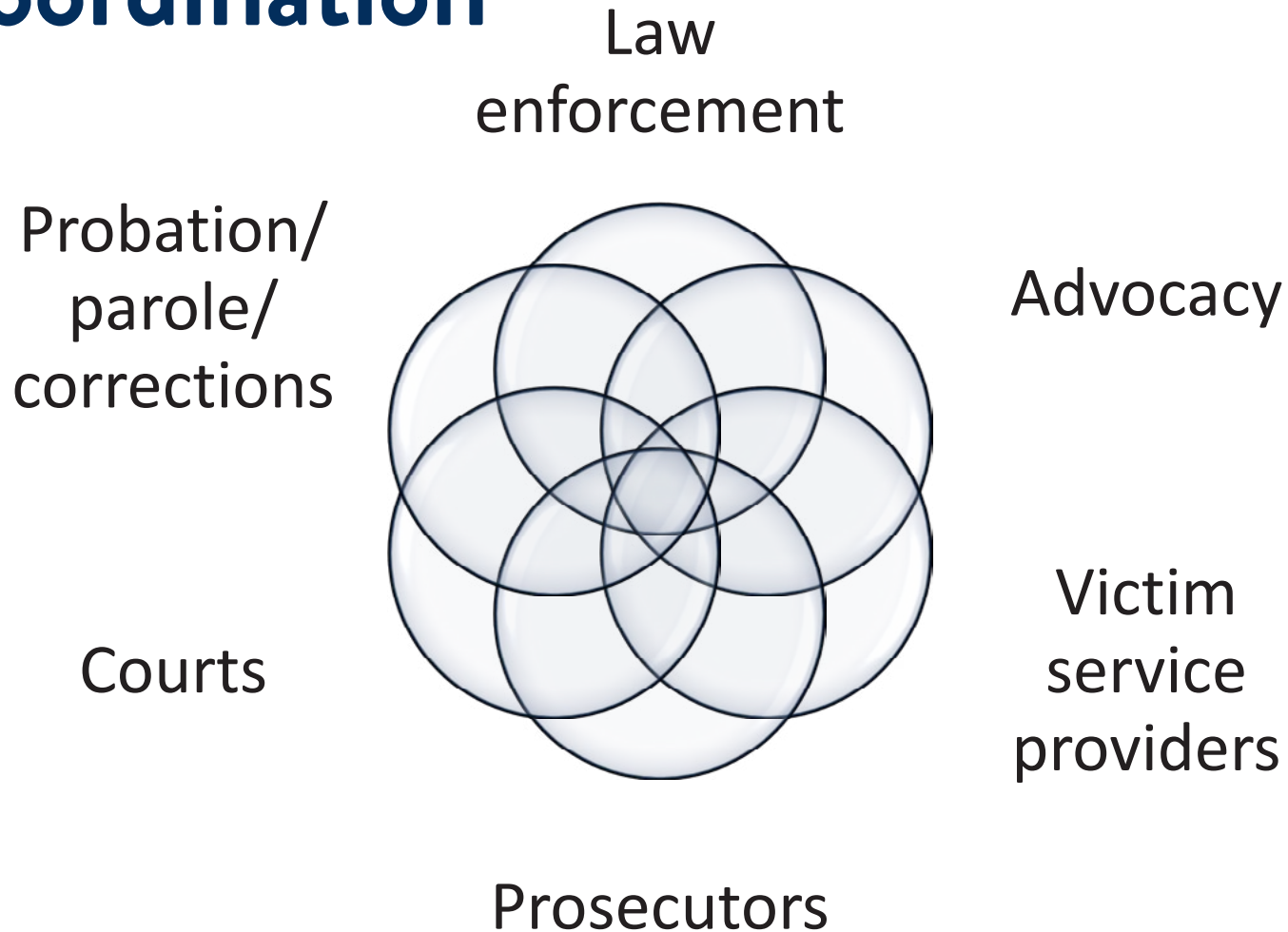


# Discussion Questions

- \* 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



# 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

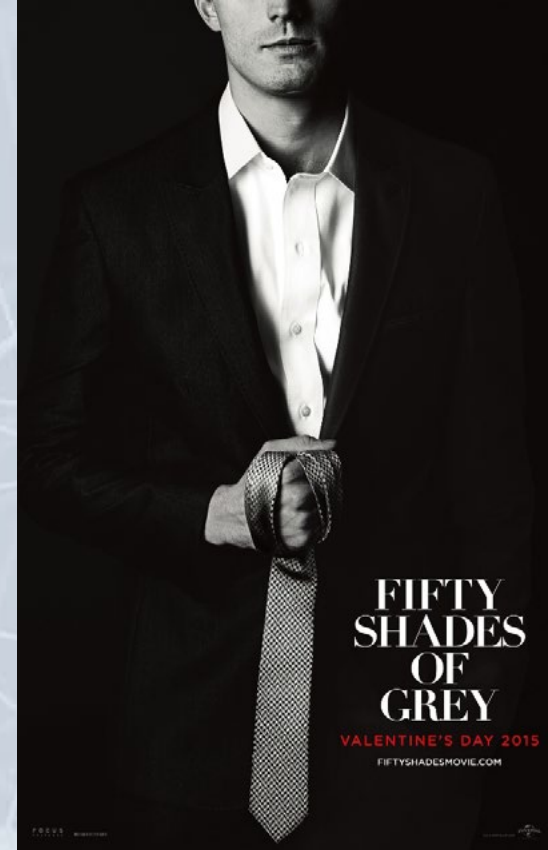
# Facebook Stalking



**“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

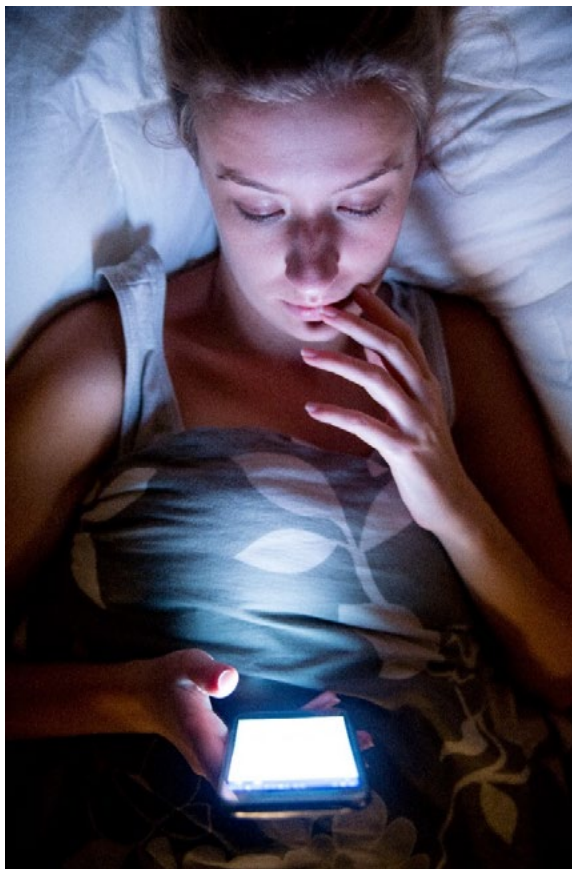
# The Use of Technology to Stalk

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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# AdamThinks.com



# Cell Phone Technologies

# \*67 Calls: TrapCall (trapcall.com)



Reveal blocked callers with TrapCall

PROTECT YOURSELF NOW



# 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



Tailor  
Automatic Screenshot Stitching

# Call and Text Spoofing

Gives caller ability to change number shown on caller ID or text, change sound of voice and to record calls



**SpooferCard**  
BE WHO YOU WANT TO BE! [www.spoofercard.com](http://www.spoofercard.com)

**It's YOUR call!**  
Display any number on Caller ID, Change your Voice & Record your Calls. SpooferCard works from any phone, anytime, anywhere!

**TRY IT NOW →**

**Step 1**  
**Fake Your Caller ID!**  
Insert any Number!

**Step 2**  
**Disguise Your Voice!**  
Male, Female or your Own!

**Step 3**  
**Record Your Call!**  
Save and Replay!

**Free Trial: 1-866-909-5455**  
Totally Private! - Totally Fun! - Totally Legal!

# Spoofing Demo

 **CALLERIDFAKER**

On your smartphone!  
m.calleridfaker.com

 Get Credits Shared Calls Account # Login Forgot PIN?



MOBILEDOWNLOAD    FOLLOWUS  

**GETCREDITS**

**Most Popular**  
1 Month Unlimited \$29.95

- ✓ No advertisements
- ✓ Minutes never expire
- ✓ Calls more than 2 min
- ✓ No fees

**LET'S BEGIN!**

My Number 

Number to Call 

Fake Caller ID 

Voice Changer   

Record

I agree to the terms of service.

**Place Call!**





# Spoof Phone Calls

## iPhone Apps



Spoof SMS  
Entertainment

\$1.99



Spoof Text  
Entertainment

\$0.99



Fake Video Call  
Lite - Use Camer...  
Entertainment

\$0.99



Kidding Mo!  
Funny Prank Ca...  
Productivity

Free



Phone Booth Free  
- Fake a Prank...  
Entertainment

Free



Parking Dash  
Games

Free



Soap Opera Dash  
Games

Free



New Message.  
Entertainment

Free



Prank Calls  
Entertainment

Free



Escape Call Free  
Utilities

Free



Spoof Booth  
Photo & Video

Free



Fake Video Call -  
Spoof Your...  
Entertainment

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- Trick Your...  
Productivity

Free



Spoof Trader  
Light Stockmark...  
Business

Free



PhotoCrash Fright  
edit bizarre...  
Entertainment

\$2.99



Epic Pranks  
Entertainment

Free



ultrasound-spoof  
Entertainment



FakeTime - Spoof  
Entertainment



Magic Trick App  
Entertainment



Journey Web  
Browser Lite  
Utilities



PRANK ME! 2  
Trick Your Frien...  
Catalogs



Fake SMS  
message text  
Entertainment



iCop  
Entertainment



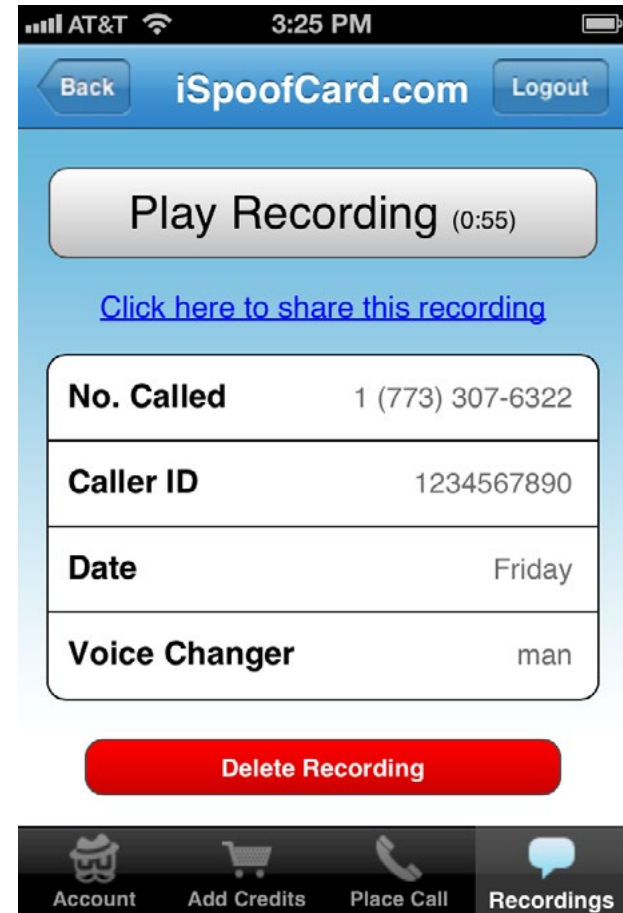
Money Printer  
Finance

# 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?





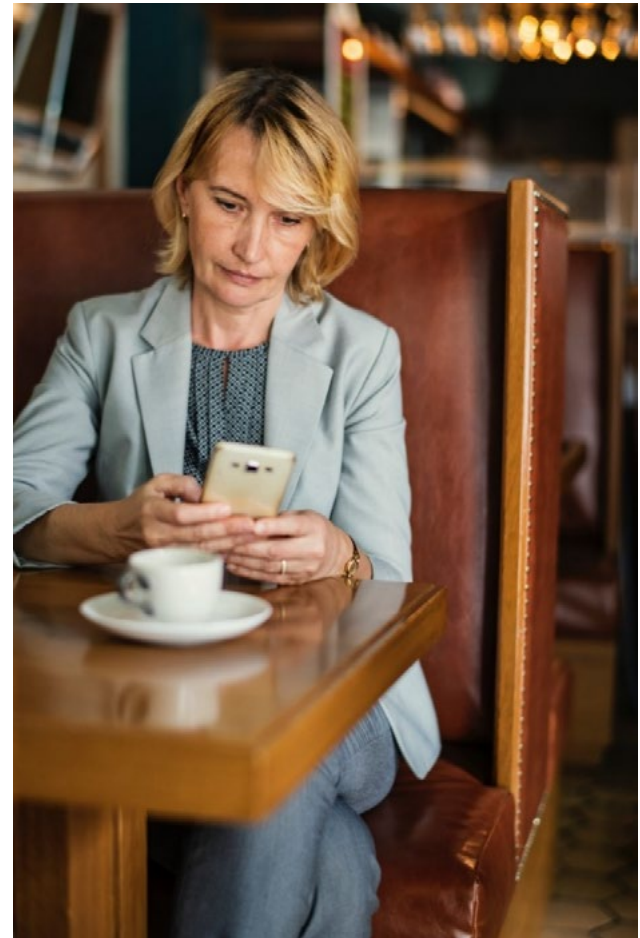
# Spyware

- \* 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



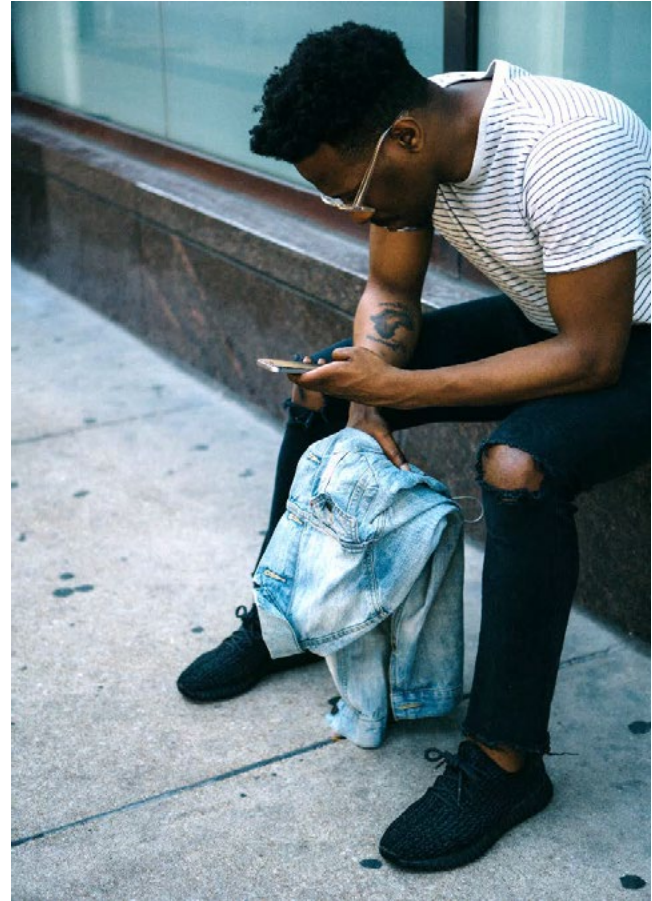
# Spyware Warning Signs

- \* 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

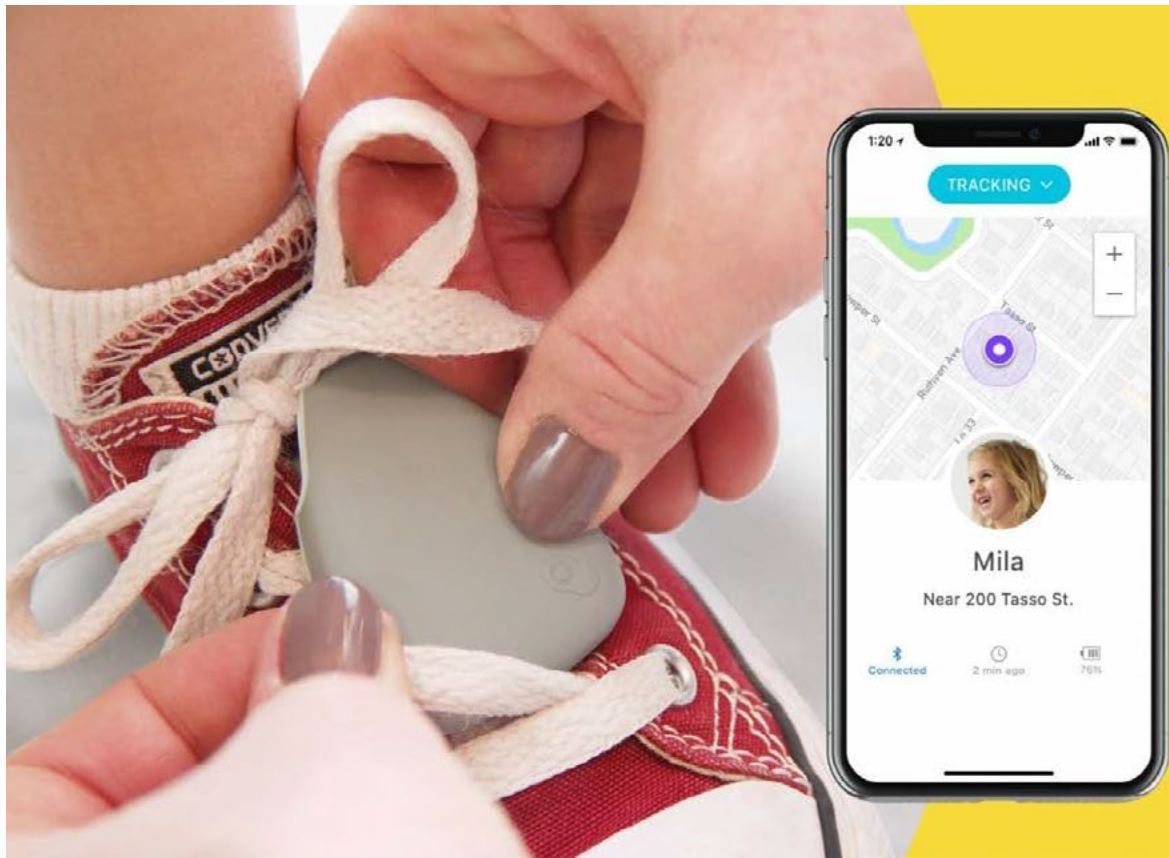


# Global Positioning System (GPS) Devices





# Child Trackers



The image shows a close-up of a hand with brown nail polish attaching a small, grey, oval-shaped Jiobit tracker to the white laces of a red and white sneaker. To the right, a smartphone displays the Jiobit app interface. The app shows a map with a purple location pin, a profile picture of a blonde woman named 'Mila', and the location 'Near 200 Tasso St.'. At the bottom of the app screen, it indicates 'Connected', '2 min ago', and '75%' battery. The background of the right side of the image is yellow.

**jiobit**

**Jiobit  
tracks no  
matter  
how far  
they run.**



[How It Works](#)

[Product](#)

[Community](#)

# 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



SPARC

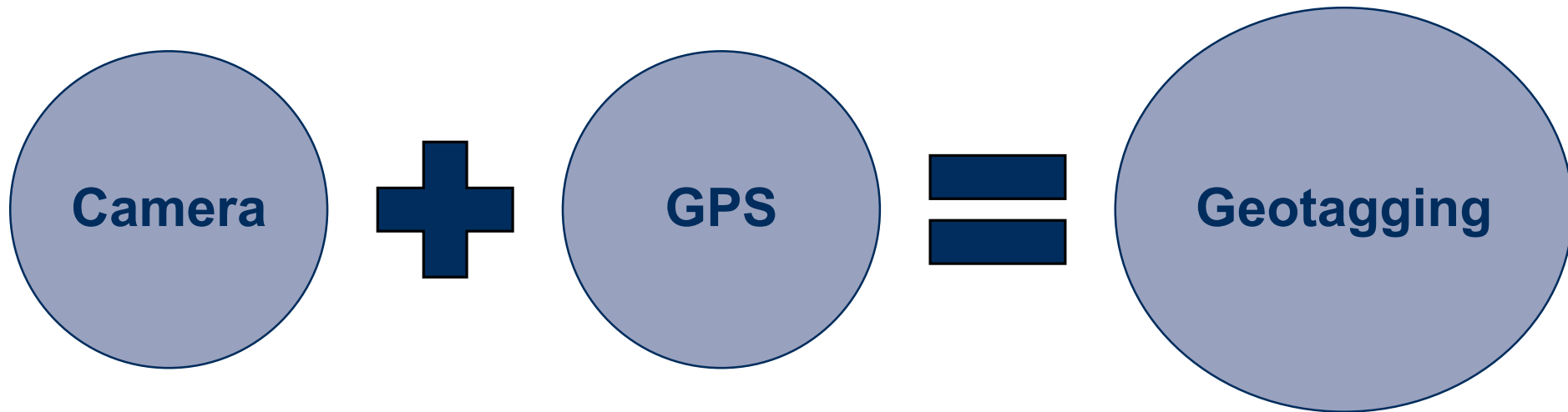








# Geotagging



# 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?

## YES

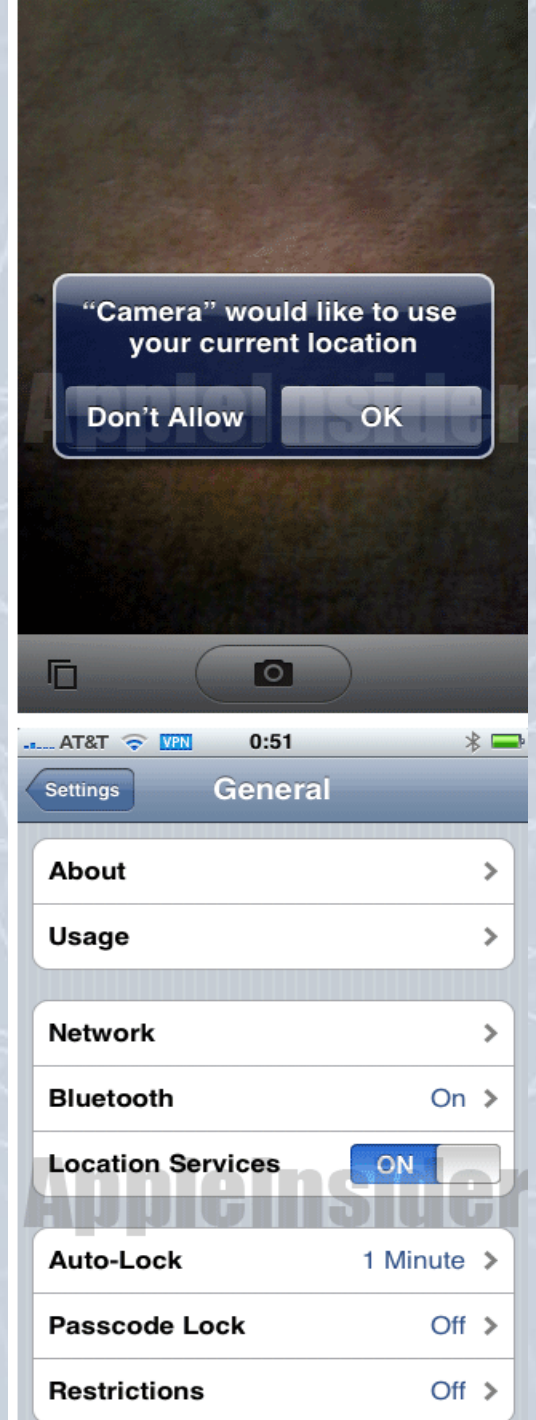
- Facebook
- Twitter
- eBay
- Instagram – unless pic was added to Photo Map
- Flickr – gives the option

## NO

- Google
- Tumblr
- DropBox
- Email

# 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 @bybobkeeler on Twitter Nov 9, 2018 Comments

[http://www.montgomerynews.com/soudertonindependent/news/franconia-man-charged-with-stalking-harassment/article\\_16e76f66-e390-11e8-8d81-37abec0840f8.html](http://www.montgomerynews.com/soudertonindependent/news/franconia-man-charged-with-stalking-harassment/article_16e76f66-e390-11e8-8d81-37abec0840f8.html)

# 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”





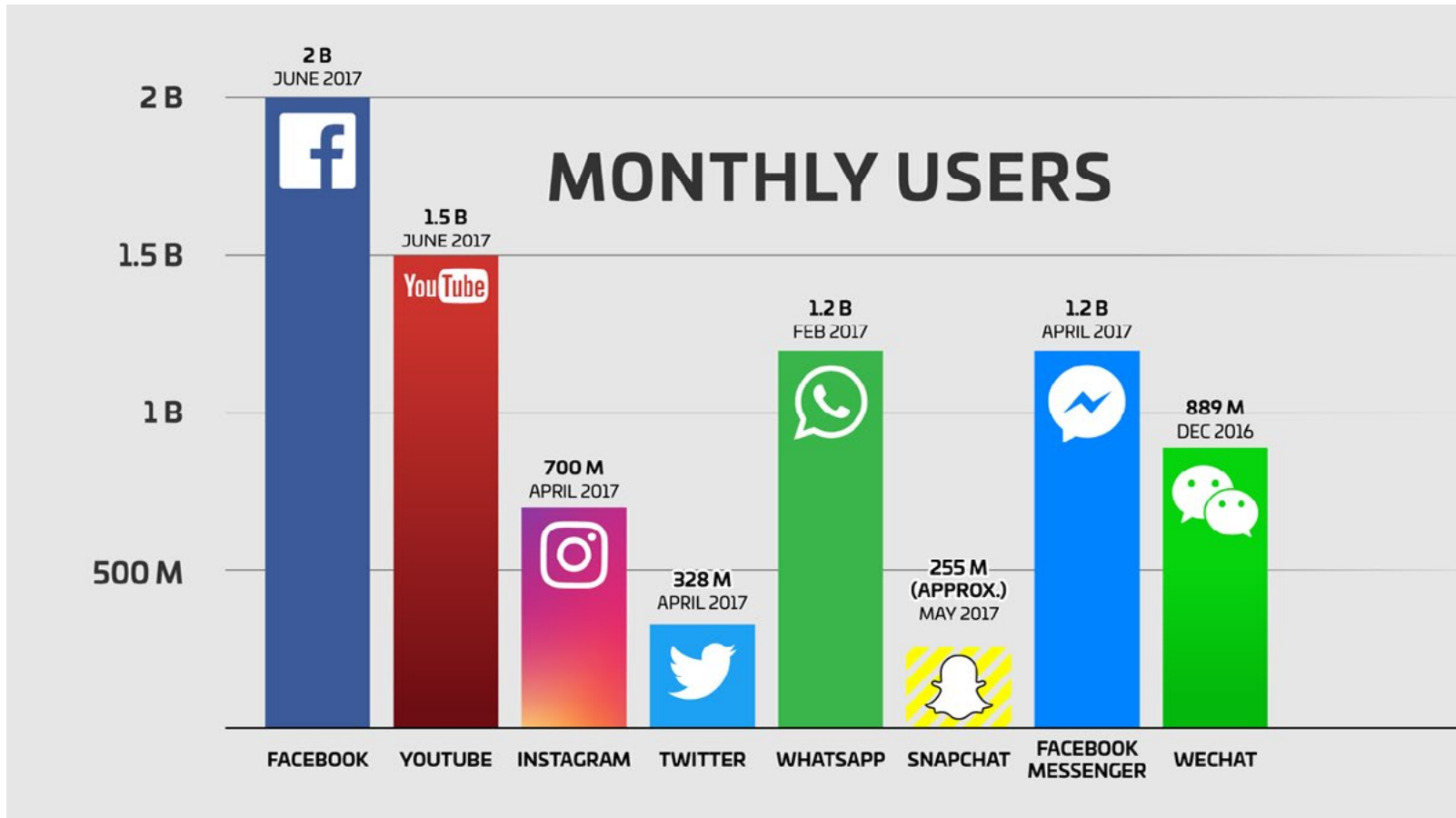
# Video: Smart Home Hacked





# Social Media

# Social Media Reach



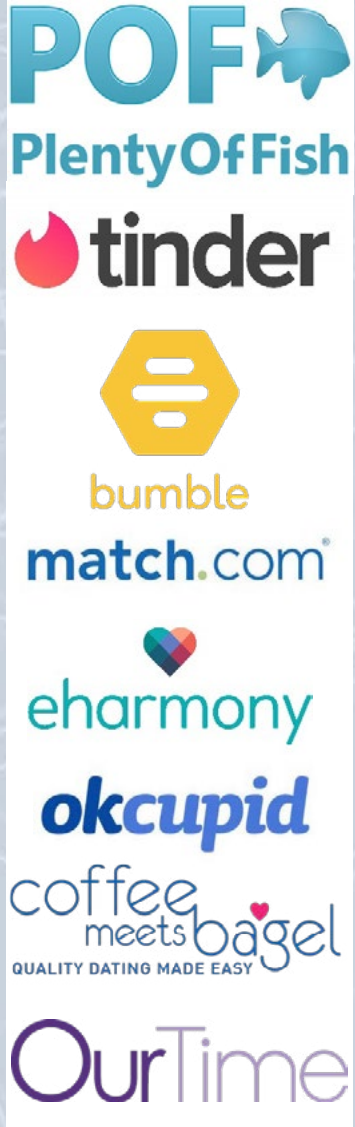
TechCrunch 2017

# 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



BY HANNAH STRONG  
[hstrong@thesunnews.com](mailto:hstrong@thesunnews.com)

ANDY GREENBERG SECURITY 01.31.17 02:57 PM

## 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](mailto:legaldept@gotinder.com)
- \* Plentyoffish: [legaldept@match.com](mailto: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](mailto:legal@grindr.com)
- \* [legalhelp@zoosk.com](mailto: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](http://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

f Search

Dana Home Create

General Account Settings

To download your information, go to [Your Facebook Information](#).

Name	Dana Fleitman	Edit
Username	https://www.facebook.com/dana.fleitman	Edit
Contact	Primary: [REDACTED]	Edit
Ad account contact	[REDACTED]	Edit
Temperature	Fahrenheit	Edit
Manage Account	Modify your Legacy Contact settings or deactivate your account.	Edit
Identity Confirmation	Confirm your identity to do things like run ads related to politics and issues of	View



## 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.

### New File

Available Files 1

Date Range:

October 2, 2017 - October 3, 2017 ▼

Format:

HTML ▼

Media Quality:

High ▼

Create File

### Your Information ⓘ

Deselect All



#### Posts

Posts you've shared on Facebook, posts that are hidden from your timeline, and polls you have created



#### Photos and Videos

Photos and videos you've uploaded and shared



#### Comments

Comments you've posted on your own posts, on other people's posts or in groups you belong to



#### Likes and Reactions

Posts, comments and Pages you've liked or reacted to



#### Friends

The people you are connected to on Facebook



#### Following and Followers

People, organizations or business you choose to see content from, and people who follow you



#### Messages

Messages you've exchanged with other people on Messenger



# Facebook Online Request

https://www.facebook.com/records/login/



Dana

Home

Create

## 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](#).



▼ Safety Center

Home Page  
Policies  
Tools  
Resources

🔗 Privacy Checkup

🔗 Security Checkup

> Parents Portal

> Youth Portal

Digital Literacy Library

> Online Well-being

> Bullying Prevention Hub

🔗 Help Center

Law Enforcement

# 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.

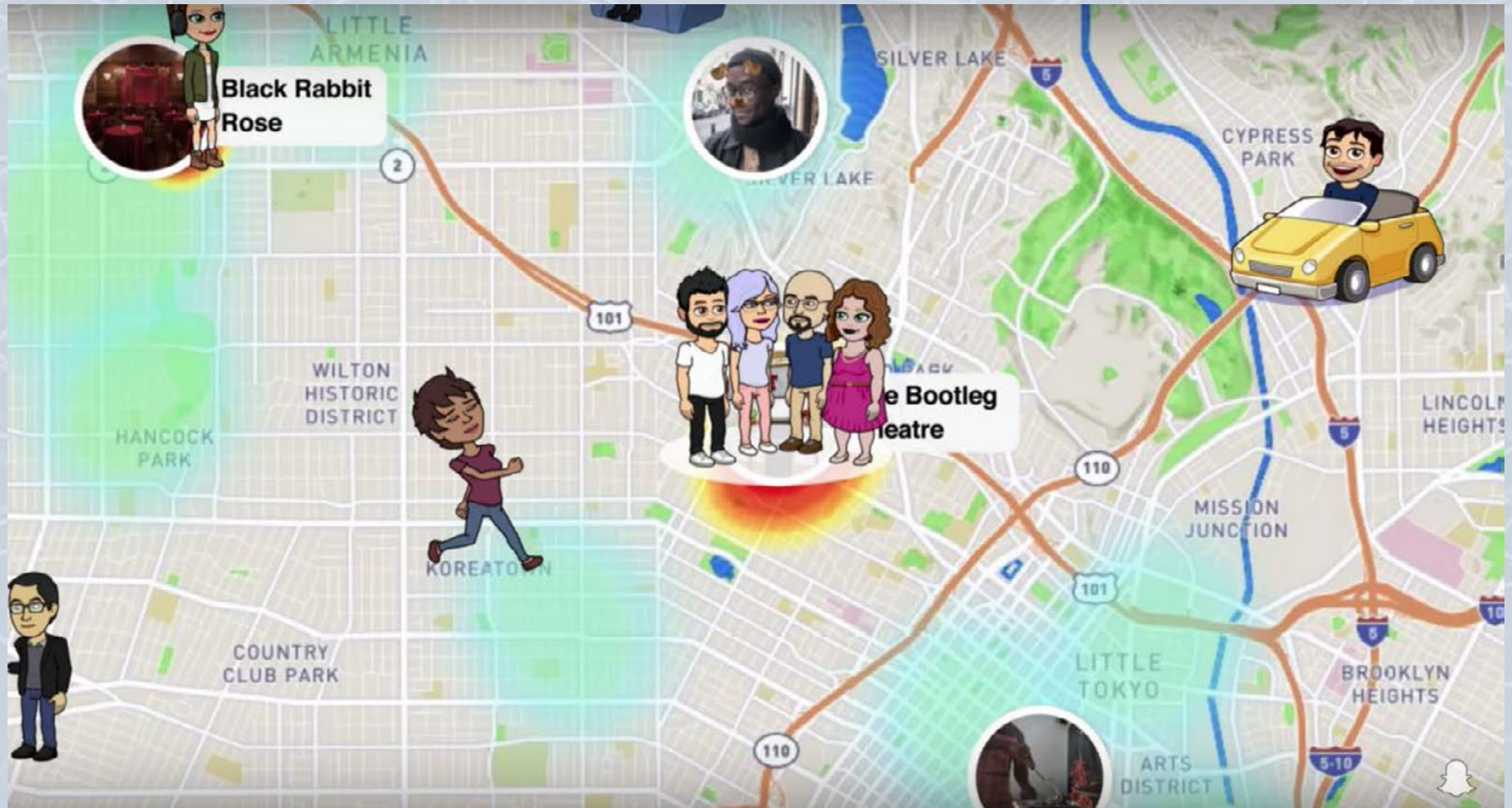
## U.S. Legal Process Requirements

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.

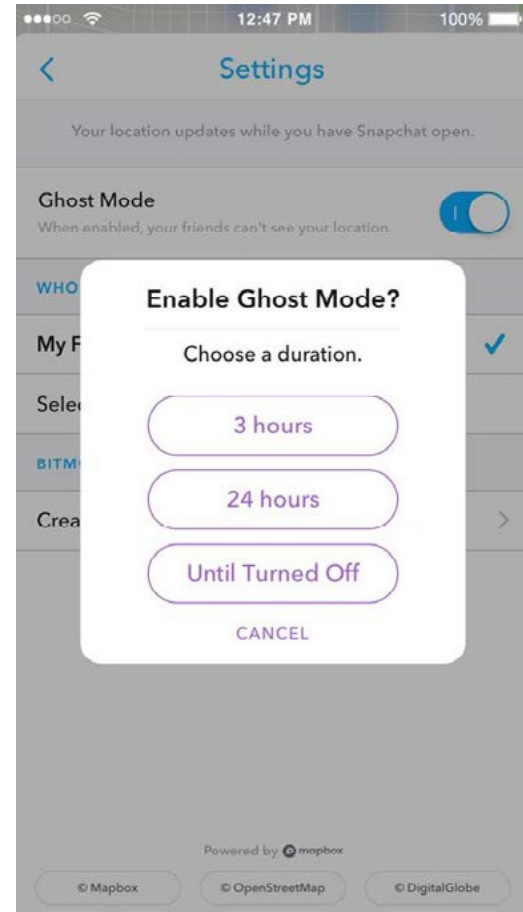
# Snapchat

# 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](mailto: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
- [Lawenforcement.snapchat.com/emergency](https://lawenforcement.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](mailto: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](mailto: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](https://safeshepherd.com/advocates)

\* Additional Resources:

- \* [Cyberrightsproject.com](https://Cyberrightsproject.com)
- \* [Cybercivilrights.org](https://Cybercivilrights.org) For victims: 1-844-878-CCRI
- \* [Cagoldberglaw.com](https://Cagoldberglaw.com)
- \* [Dmca defender.com](https://Dmca defender.com)
- \* [Copybyte.com](https://Copybyte.com)

# Identifying and Obtaining Sources of Digital Evidence

# Where to Look





# 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

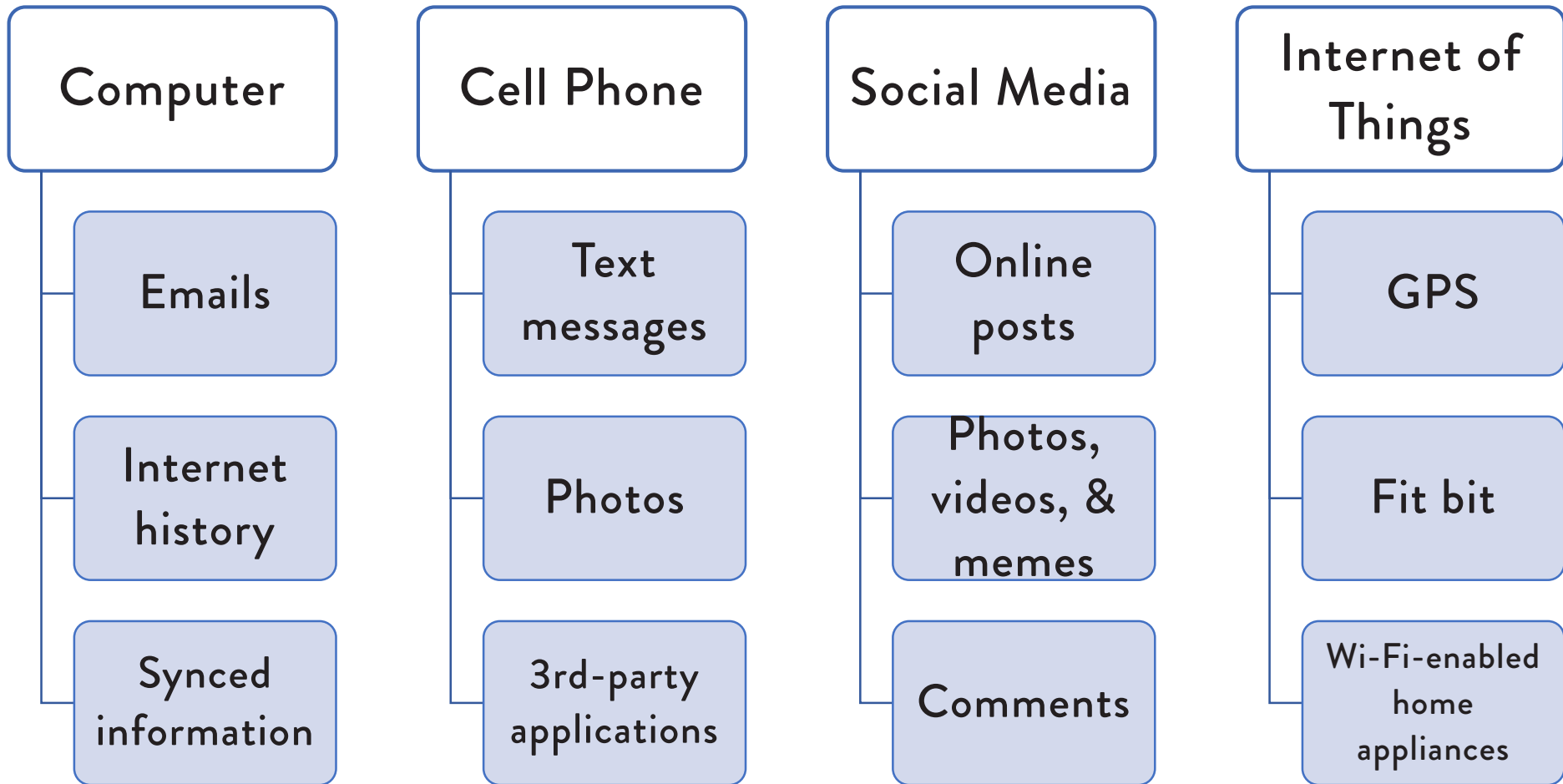
Legal Authority- Warrant or Consent

- Ask for Passcodes

Speak to Examiner

Manual Inspection

# The Medium



# 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
    - \* [https://www.apple.com/business/docs/iOS\\_Security\\_Guide.pdf](https://www.apple.com/business/docs/iOS_Security_Guide.pdf)
- \* Search warrant for the linked Cloud account
- \* Stay tuned...



# Admitting Digital Evidence

# Process



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.”

- \* Kan. Stat. Ann. § 60-464

- \* 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.**

Baum, K., Catalano, S., Rand, M. (2009). *Stalking Victimization in the United States*. Washington, DC: Bureau of Justice Statistics.  
Retrieved from <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjs-stalking-rpt.pdf>.

# 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?*

Klein, A., Salomon, A., Huntington, N., Dubois, J., & Lang, D. (2009). A Statewide Study of Stalking and Its Criminal Justice Response. Advocates for Human Potential, Inc.: Sudbury, MA. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/228354.pdf>.

Tjaden, P. & Thoennes, N. (2001). Stalking: Its Role in Serious Domestic Violence Cases, Executive Summary. Center for Policy Research: Denver, CO. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/187346.pdf>.

# 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



**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.”*

Ilene Seidman & Susan Vickers, *The Second Wave: An Agenda for the Next Thirty Years of Rape Law Reform*, 38 SUFFOLK U. L. REV. 467, 473 (2005).

“

*“[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

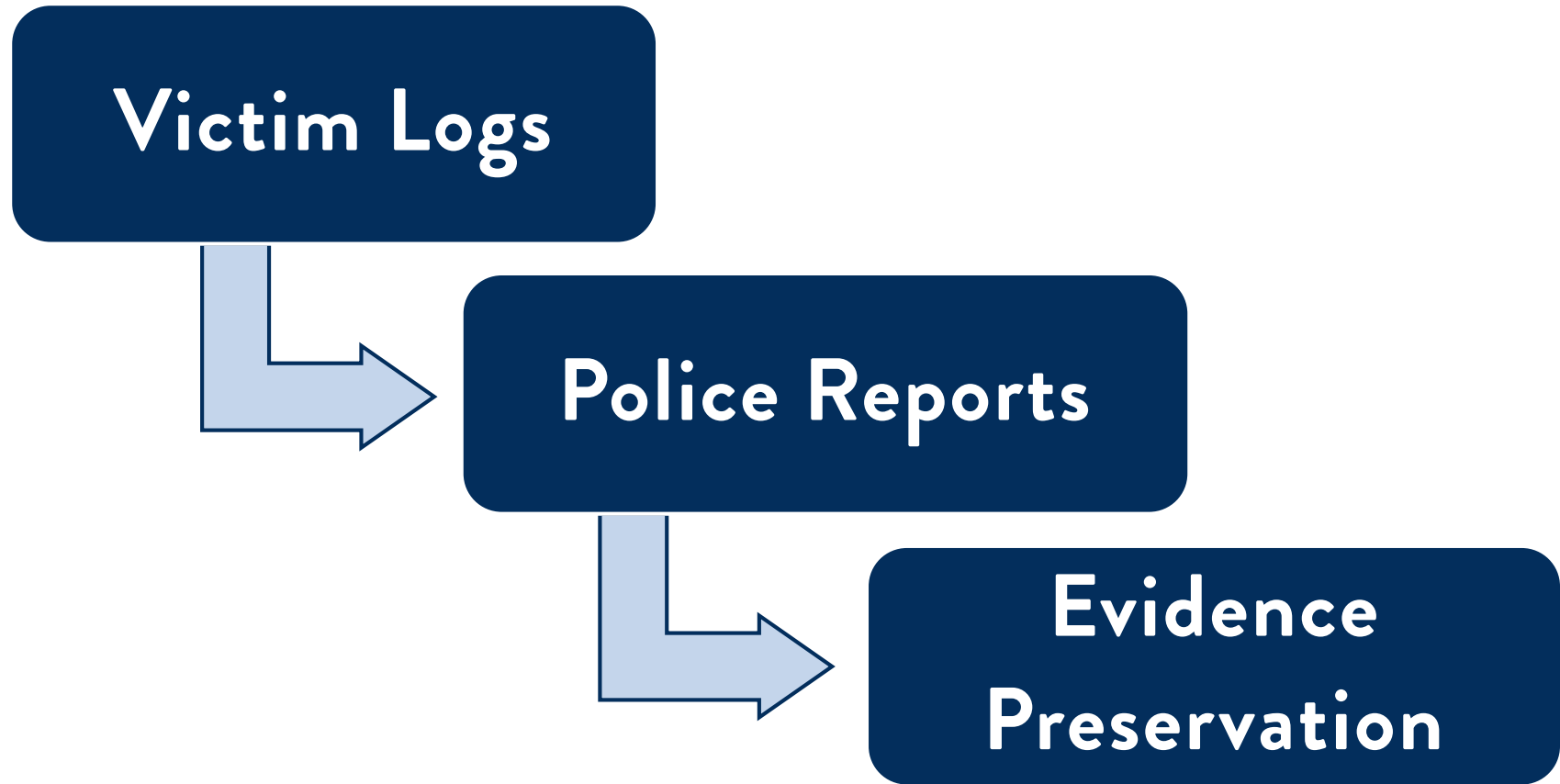
Safety needs and support services



# STALKING INCIDENT LOG

[illegible]

# Documentation is Key



# 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

# Victim Contact

## Law Enforcement

### T I P S

- 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

## T I P S

- 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.

[About Us](#)

# 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/](https://law.lclark.edu/centers/national_crime_victim_law_institute/)



Law Enforcement  
Portals



Investigative  
Resources



Cyber Threat  
Bulletins



Incident  
Reporting



Directory of  
Cybercrime Labs



Mobile  
Resources



Video  
Resources



Printable  
Resources







NNEDV  
Tech Safety

# Tech Safety

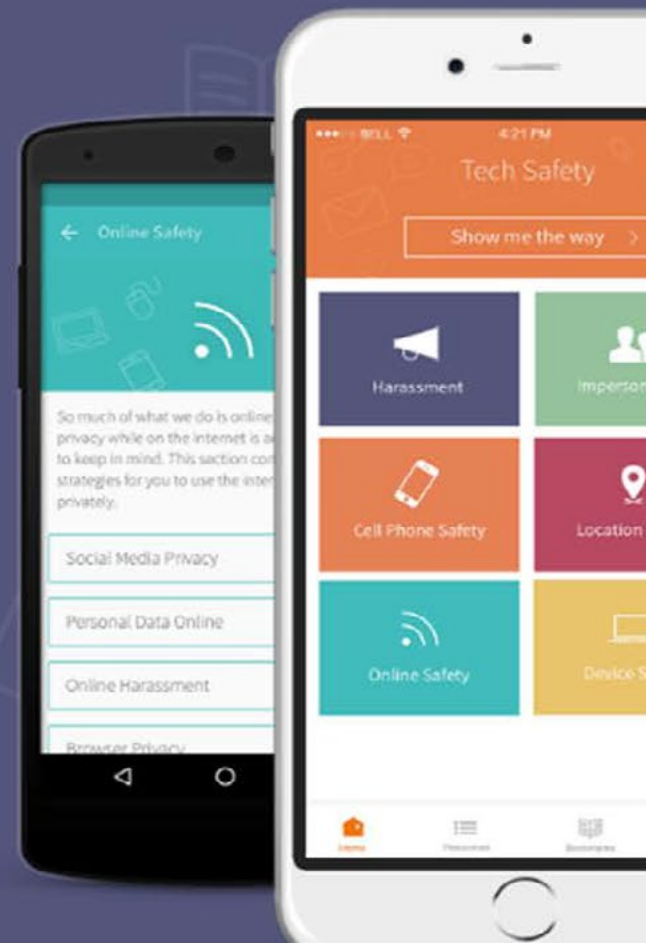
Welcome to the Tech Safety App. This app contains information that can help someone identify technology-facilitated harassment, stalking, or abuse and includes tips on what can be done.



Download on the  
**App Store**

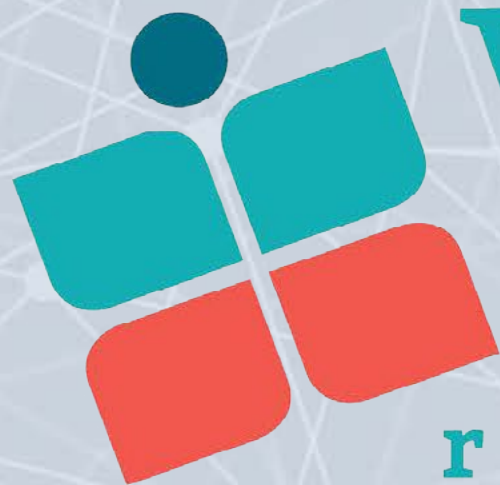


Get it on  
**Google play**



**SPARC**

**For Victims**



# Victim Connect

resource center

---

*Confidential referrals for crime victims*

---



---

**855-4-VICTIM**

---

# [www.StalkingAwareness.org](http://www.StalkingAwareness.org)

- \* Training modules
- \* Victim resources
- \* Practitioner guides
- \* Webinars

   @followuslegally



# To show this poll

1

Install the app from  
[pollev.com/app](https://pollev.com/app)

2

Start the presentation

Still not working? Get help at [pollev.com/app/help](https://pollev.com/app/help)  
or

[Open poll in your web browser](#)





Dana Fleitman  
Associate Advisor  
SPARC of AEquitas

202-579-3010

[Associate@stalkingawareness.org](mailto:Associate@stalkingawareness.org)



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Jonathan Kurland  
Attorney Advisor  
AEquitas

202-596-4227

[jkurland@aequitasresource.org](mailto:jkurland@aequitasresource.org)