Chapter 12
Stalking & Homicide

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What Is Stalking?

- Stalking is a pattern of behavior that is intended to cause harm or to instill fear in a person.

- Following or harassing someone typically characterizes the offense.

- It is different from the majority of crimes because it consists of a series of actions rather than a single act.

- When the events are considered individually, they may not constitute illegal behavior.
**Stalking Behaviors**

- Offenders routinely attempt to intimidate and control their victims.
- Some attempt to scare their targets.
- Others may have a fanaticized love interest.
- A significant factor is the stalker’s desire to keep the victim within a personal relationship, since more than half of stalkers begin before the intimate relationship has actually ended.
- There is no template for the actions of a stalker.
- The most consistent indicator of violence is threats and a previous intimate relationship between the victim and the offender.
- Substance abuse history is predictive of an increased rate of violence among stalking offenders.
- Common elements in the crime of stalking include following the victims, harassing them, and threatening them.
Victims of Stalking

- Anyone, male or female, can become the victim of a stalker.

- The person targeted has not done anything to provoke the behavior of the offender.

- Approximately 1.5% of the population of persons ages 18 and older experience being stalked.

- The crimes often go undetected due to accompanying crimes that become the focus of police efforts.
Perpetrators of Stalking

- The progression is similar to what occurs in other forms of IPV.

- If the stalker is spurned, he or she may escalate the behavior to intimidation.

- In rare instances, the episodes of stalking become a persistent pattern of behavior that turns threatening and violent.

- The majority of stalkers are not mentally ill, although their behavior is not normal or appropriate.
Relationship or Simple Obsessional Stalkers

- The most common and best known type of stalker is the relationship or simple obsessional stalker.

- The perpetrator and victim typically have a previous relationship that could include marriage, friendship, or that of coworkers.

- Most stalkers in cases of intimate partner and dating relationships are simple obsessional stalkers.

- Simple obsession is the most likely category of stalking to result in murder.
STALKING CONTINUUM

Fantasy

Flattering Attention

Accepts
Long Term Relationship (Possible Violence)

Rejects

Obsess

Menace

Threats

Ending (35% End in Violence)
Love Obsessional Stalkers

- Stalkers in this group develop a love obsession or fixation, generally targeting celebrities and politicians.

- There is no personal relationship between the victim and offender; therefore, the target might also be a casual acquaintance.

- These stalkers tend to be persistent in their pursuit of their victims.

- They fantasize about the victim being their love partner and may go to drastic means to get attention.
Love Obsessional Stalkers

- Their bizarre attempts may be lethal to the victim because the stalker does not care whether the attention is negative or positive.

- Love obsessional stalkers do not believe their targets love them.

- They may believe that they are destined to be with their victims and only need to try harder to convince them.

- These stalkers often invent detailed fantasies of nonexistent relationships.
Erotomania

- The term is usually associated with a stalker who has severe mental problems, including delusions.

- The perpetrator may actually believe the victim knows and loves him or her.

- These stalkers expect the target to play the role the stalker has determined, and when threats or intimidation do not work, they may resort to violence.

- This type of stalker may continue to pursue the victim for long periods of time, up to eight or ten years.
Vengeance and Terrorist Stalkers

- Vengeance and terrorist stalkers seek to change the behavior of their victims without intending to have a personal relationship with the victim.

- The stalkers seek to punish their victims for some wrong they perceive the victim has done to them.

- This is typified by the person who stalks an employer after being fired.

- The terrorist stalker has a political agenda and uses the threat of force to keep the target from engaging in a particular activity.
Stalking Laws

- Stalking is a fairly new criminal offense and the laws can be confusing.
- Anti-stalking laws exist in all 50 states.
- Broadly written statutes in some states have caused difficulty for criminal justice implementation and resulted in constitutional challenges.
- Many states require that the perpetrator make a credible threat of violence.
A comprehensive federal law that addresses all of the issues concerning cyberstalking and cyberharassment does not exist.

Protections are found piecemeal in different laws.

The lack of comprehensive legislation leaves a number of gaps in protection.

Cyberstalking behaviors that do not include an actual threat are typically referred to as cyberharassment.
Stalking Investigative Strategies

- Assessing the victim’s credibility
  - Accomplished by observing the conduct of the victim during the investigation

- False Victimization Syndrome
  - A small percentage of crimes reported appear to be false allegations

- Assessing the offender’s conduct
  - Investigating to determine whether the victim’s perception of a threat is accurate

- Interviewing third parties
  - Talking to family members of the victim, neighbors, and coworkers to assess the level of danger that may exist

- Considering circumstantial evidence
  - Anything can be considered circumstantial evidence

- Assisting the victim in obtaining a restraining or no-contact order
  - The victim should be directed to obtain a restraining or no-contact order, if possible
Categories of Homicide

- **Justifiable homicide**
  - Killing without evil or criminal intent, for which there can be no blame, such as that done in self-defense to protect oneself or to protect another, or shooting by a law enforcement officer in fulfilling his or her duty

- **Excusable homicide**
  - A homicide committed accidentally or with sufficient provocation while doing some lawful activity

- **Felonious homicide**
  - The wrongful killing of a human being is criminal behavior
  - Murder, manslaughter, or negligent homicides are categories of death with varying degrees of culpability
  - Most states provide different degrees of culpability that are designated by the criminal statute itself, often referred to as nonnegligent homicide
Intimate Partner Homicide

- Intimate partner homicide
  - The killing of a spouse, ex-spouse, boyfriend, or girlfriend

- Femicide
  - The killing of a woman by her relative, friend, or lover

- Intimate partner homicide victims make up approximately 11% of all murders nationwide.

Intimate partner homicides in the U.S.

Note: Estimates based on the FBI Supplementary Homicide Reports
Homicide-Suicide

- Until recently, the U.S. did not have a system capable of tracking homicide-suicide events.
- The National Violent Death Reporting System (NVDRS) was established to fill that need.
- The majority of homicide-suicides occur within intimate partner relationships.
- Approximately 2% of all homicides in the U.S. are classified as cases of murder-suicide.
- Usually the husband kills his wife or intimate partner, and within minutes or hours commits suicide.
- Perpetrators were twice as likely to have a current or former spousal relationship.
- Shooting is the most frequent method of killing.
- Most of the deaths were preceded by breakups initiated by the victim, jealousy, or arguments.
Gay and Lesbian Partner Homicide

- The number of homicides committed by same-sex intimate partners is unknown.
- Relationship information is typically not included for these cases.
- IPV within gay and lesbian communities mirrors intimate partner violence in the heterosexual community.
- An Australian study found that out of 6200 homicides, only 33 were same sex IPV.
  - No same-sex partner homicide involved shooting, compared with 20 per cent for opposite-sex partner murders.
  - 100 per cent of female same-sex murder victims were stabbed (n=4)
  - Male same-sex murders involved suffocation or strangling (29 per cent), beating (18 per cent) and even being run down by a car (seven per cent).
Homicide in Later Life

- The spouse of the person over age 80 is the perpetrator in almost 40% of cases.

- Firearms, intentional neglect, poisoning, suffocation, and the use of blunt instruments are common mechanisms of injury for the homicide of older adults.

- Homicide by a caretaker is evidenced by different types of incidents and motivations, including financial gain and drug use.

- Typically, the deaths occur in the victim’s home.
Homicide Investigative Strategies

- Some police departments employ specialists who are called immediately to work on evidence collection.

- Some departments train their own police officers to do this step.

- Forensic specialists are called by the police based on the severity of the crime, the apparent signs of the cause of death, and the policy in the jurisdiction of the crime.
Examination of the area immediately surrounding the body begins the process.

Clues within the *circle of death* aid in the primary step of determining whether the death is due to homicide, suicide, or attributable to natural causes.

Without obvious signs of a theft, gang, or drug-related murder, the investigator looks from the intimate relations outward toward the strangers.

The collection of evidence also begins within the circle and moves outward.
Experts in ballistics, hair and fiber analysis, DNA analysis, fingerprint analysis, and photography are among the more common forensic specialists involved in the initial murder investigation.

Others may be called in to assist the primary investigators as more is learned about the death.
Death review teams

- Share resources and information in the forensic investigation of child fatalities.

- There are child death review teams in all 50 states, Australia, and Canada.

- Review child deaths from various causes, often with an emphasis on reviewing child deaths involving caretaker abuse and or neglect.

- Typical members include coroners, medical examiners, mental health professionals, law enforcement personnel, and prosecutors, based on the needs of the particular locality.