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			Distribution: All
Title: Stalking Investigations		Section: Field Situations	
Issued: 05/26/2015	Effective: 06/03/2015	Revised:	
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CALEA References:			
Review: Annual	Authority: Chief Michael A. Keller 		

I. Purpose

The purpose of this General Order is to establish guidelines for handling allegations of stalking.

II. Policy

It is the policy of this department to respond to and investigate reports of stalking. The initial response will be proactive in gathering information that permits the victim's circumstances to be considered in context with the behavior of the suspect. Additionally, the response will include evidence collection and a victim threat assessment.

It is also the responsibility of every department member conducting primary and/or follow-up investigations to gather all relevant information and evidence necessary to determine whether probable cause exists to believe a crime of stalking has occurred. This includes any past stalking behaviors or incidents alleged by the complainant to have been committed by the suspect.

III. Definitions

- A. Stalking:** Intentionally or recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; Intentionally engaging in a course of conduct targeted at a specific person which the individual knows will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or after being served with, or otherwise provided notice of a protective order described in KSA 21-3843, and amendments thereto, that prohibits contact with a targeted person, engaging in at least one act listed as a course of conduct that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.
- B. Course of Conduct:** Two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct would not include constitutionally protected activity, nor conduct that was necessary to accomplish a

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legitimate purpose independent of making contact with the targeted person. A course of conduct would include, but not be limited to, any of the following acts or a combination thereof:

1. Threatening the safety of the targeted person or a member of such person's immediate family;
2. Following, approaching or confronting the targeted person or a member of such person's immediate family;
3. Appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family;
4. Causing damage to the targeted person's residence or property or that of a member of such person's immediate family, either directly or through a third person;
5. Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person;
6. Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; and
7. Any act of communication.

C. Communication: To impart a message by any method of transmission, including, but not limited to: telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer or other programmable device capable of processing data such as cell phone text messaging or email.

D. Immediate Family: Includes father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person.

IV. Regulations

(This section intentionally left blank)

V. Procedures

A. Communications Responsibilities

Upon receipt of a call/report alleging conduct that may reasonably be interpreted as an allegation of the crime of stalking, the Communications Officer shall:

1. Make a reasonable and prudent effort to assign a law enforcement officer to respond to the alleged stalking incident as soon as possible.

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2. Relay all known relevant information to the law enforcement officer assigned to the call concerning the alleged activities.
3. If information has been provided to the Communications Officer concerning the existence of a protection order alleged to have been violated, the Communications Officer shall make reasonable and prudent efforts to ascertain the status of such protection order and the conditions imposed by the court pursuant to such order and shall relay such information to the assigned officer responding to the call.

B. Initial Police Response

1. Victims of stalking generally do not report the problem until it becomes serious. Therefore, it is important to quickly gain essential information to determine the level of threat. This information should include whether the subject has:
 - a. Had previous contact with the police or has been the subject of complaints;
 - b. A tendency towards emotional outbursts;
 - c. A substance abuse problem;
 - d. Mental health problems;
 - e. Possession of or is fascinated with firearms;
 - f. Been the subject of protection orders;
 - g. Committed acts of vandalism or other property damage directed at the victim;
 - h. Ever threatened the victim or others close to the victim with violence; or
 - i. Engaged in other stalking behavior noted herein.
2. Officers should be alert to a pattern of escalation and the potential for violence. Officers shall determine:
 - a. If the victim's work location and routines make it possible that the subject is known to authorities in other jurisdictions, and
 - b. If the subject had had encounters with authorities in other jurisdictions.
3. As appropriate, coordinate with other jurisdictions.

C. Evidence Collection

1. Collect all descriptive information on the subject.
2. Document any evidence that supports stalking behavior, such as letters, gifts, email records, voicemails, property damage and threats.
3. Collect or document any evidence that may be relevant for obtaining a search warrant of the suspect's residence. This may include:
 - a. The location of the suspect's workplace and residence;
 - b. Vehicle identification information;
 - c. Any telephone records, witness statements, and victim logs or diary entries that may be available.

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4. Conduct a records check and obtain copies of police reports from this or other police agencies, if available.
5. Identify and collect other evidence as available, such as fingerprints, DNA samples, security videos, and evidence of vandalism of the victim's property.

D. Threat Assessment

1. The foregoing, in conjunction with answers to the following types of questions, may provide officers with a better understanding of the threat posed by the suspect. For example, does the suspect:
 - a. Act in a bold and blatant manner;
 - b. Make threats consistent with past behavior;
 - c. Have the means and opportunity to carry out a threat;
 - d. Extend threats to the victim's family, friends or pets;
 - e. Have a history of abusive behavior, sexual assault, or both;
 - f. Show a pattern of increased violence;
 - g. Have a history of property damage;
 - h. Keep weapons, have access to firearms, or have a history of previous assaults with weapons;
 - i. Have a military or law enforcement background in general, or combat experience in particular; or
 - j. Have any previous violations of protective orders?
2. In addition, officers should note whether the victim has a support system with which to share concerns or frustrations.

E. Victim Assistance

1. The initial responding officer will provide victims with a Victims/Witnesses of Crimes pamphlet and explain the information on the pamphlet.
2. The officer will include the case number on the pamphlet along with the officer's business card.

F. Police Intervention

1. Officers and investigators should consider using surveillance technology where possible, such as mobile tracking devices, fixed surveillance cameras and call tracing to monitor suspect activities.
2. If the stalking suspect is located at the scene of an alleged crime, the officer shall consider the safety of the alleged victim, the suspect, the officer and the public at-large when deciding whether to detain and question the suspect at the scene.
3. If the stalking suspect is not located at the scene of an alleged crime, the officer shall make all reasonable and prudent efforts to locate and question the suspect in relation to the alleged crime.

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4. If the allegation includes a violation of a restraining order, protection order, or other court order the officers shall make all reasonable and prudent efforts to ascertain whether a valid order is in place, whether the order has been lawfully served upon the suspect, what the terms of the order require and whether the information and evidence in the case will provide probable cause to believe a violation of such order has occurred. If an order exists but has not been served, every reasonable attempt to serve the order or inform the person of the existence and restrictions included in the order shall be made. The details of those actions will be included in the officer's report.
5. Officers shall make direct warning contact with the suspect when the harassing and stalking behavior has not reached the threshold for probable cause to make and arrest.
6. When suspects of an alleged crime of stalking can be located, an arrest shall be made when the officer has probable cause to believe a crime related to stalking is being committed or has been committed and there is probable cause to believe the suspect committed the crime.
7. Officers shall follow all other department directives and pertinent statutes regarding the handling of misdemeanor and felony cases.

G. Reporting

1. Whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas Bureau of Investigation through normal reporting channels.
2. Officers shall follow all other departmental reporting requirements when taking a report on the allegation of stalking.