

## CALL NOTES

### Counting Stalking Incidents

#### Counting

Question of how to count stalking given the definition of “continuous course of conduct”?

Review Stalking Scenario 1: is this multiple stalking incidents or one? Recommendation that it should be counted as one

- issues are that sometimes its hard to identify certain behavior as stalking until a sufficient pattern arises (victims many may not even realize first few behaviors at all)
  - o Given the difficulty of identification of stalking from initial behaviors there will be a high need for training of law enforcement officials
- scenario raised the question of whether there are two victims of stalking or only one given the perpetrator’s intention?
  - o Recommended to count by victims as consistent with UCR and because purpose of perpetrator not necessary to defining crime of stalking for VAWA/Clery purposes

If count multiple behaviors as one stalking, than is there ever a time to count it again as a second crime?

- Example: stalking during victim’s sophomore year stops during the summer than resumes during victim’s junior year
- Possible separation between one stalking incident and another may be by time and space
  - o Strong suggestion that an intervention may separate one incident from another incident for counting purpose
    - Need definition of intervention

#### Geography

Suggestion that when there is a course of conduct off campus only one may need to occur within the Clery geography to count as one incident stalking

- this may be preferable to the alternative of requiring more than one behavior within Clery geography to qualify as stalking incident

Discussion raised about whether the unique nature of the crime of stalking (the “course of conduct” language) justifies its detachment from the campus geographic for reporting requirements

- Example: if multiple behaviors over time count as one stalking incident, than how do you determine where the single Clery crime is reported?
  - o Question for DOE: are we have the authority to step outside the campus geography reporting?
- Benefit is that it may better address electronic stalking behaviors

- Example: multiple texts sent by off campus perp while victim is off campus, but victim did not read them until on campus – how would that be counted if we keep the geography?
  - If stuck with campus geography, the mobility of electronics may justify counting the harassment as on campus if it is moved onto campus

**NEW ISSUE TO CONSIDER**

Given that stalking has a significant correlation with homicide and other crimes of violence, how would the hierarchical rule apply?

Threshold question though is whether the hierarchical rule should apply at all