

Stalking: Threat Management by Professional Cooperation

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Part of Symposium #35, Chair: Gail E. Robinson

- Gail E. Robinson: Stalking: An Overview of the Problem
- Karen M. Abrams: Stalking Victims: A Comprehensive Treatment Approach
- J. Reid Meloy, James A. Reavis: The Recon Typology of Stalking
- Werner Tschan: Stalking: Threat Management by Professional Cooperation
- Jeff Dunn: Threat Assessment and Management



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Abstract

In stalking cases there are three different avenues of approach for threat management:

- Counseling and treatment of victims (and relatives)
- Psychiatric intervention and treatment of offenders
- Police intervention

The different approaches can be combined, and may then have a greater impact. In regard to threat management victim treatment may help reduce ambivalent feelings towards the offender -- in many cases a known person to the victim, e.g. an ex-partner. Victims have to learn, that only a clear answer will help eventually stop the stalker -- an unambiguous statement by the victim, that there is absolutely no interest in any further personal contact, and that he/she expects this decision to be respected. After this statement the victim is told not to answer any phone calls, letters, or e-mails sent by the stalker, not even after the 40th or 50th attempt. Neither should the victim send back presents. All the incidents should carefully be documented by the victim to serve as proof for police investigations or in a court procedure.

Treatment of offenders requires special laws for mandatory referrals. Treatment then may contribute to stop the stalker. The author presented a paper on this subject at last years APA Annual Meeting in Toronto. And the final approach is simply that by having a police presence may help stop the stalker -- in at least two thirds of all stalking cases. Therefore, this is a valuable intervention which is worth being considered in any stalking case. For the other third there is a need for intensified police interventions in combination with legal proceedings.

On all levels of intervention close cooperation between the involved professional bodies is necessary. In severe cases an immediate police intervention may help save lives -- a situation often seen in ex-partner-stalking. Next to victims' counseling and treatment there is an ongoing need for constant monitoring of threat levels and developments -- including emergency contact with law enforcement authorities. The presenter discusses his experiences in threat management, its impact on psychiatric practice, and how to incorporate this technique.

Introduction

Psychiatric interventions in stalking cases aim to help and protect affected victims. They may also contribute in stopping the stalking behavior. According to the high prevalence of stalking cases (10-15% lifetime prevalence) it can be imagined, that psychiatrists will be involved with stalking cases easily. Therefore it is crucial that psychiatrists are trained in this topic to enable them to gain a comprehensive understanding of stalking. Interventions in stalking cases are possible on various levels:

- Treatment of victims
- Counseling victims' relatives
- Risk Assessment and risk management
- Offender interventions

The aim of this paper is to provide a framework for professionals' co-operation in risk assessment and threat management and to discuss a systemic approach for handling stalking cases, where treatment of victims, risk assessment and offender interventions go hand in hand. Only by this approach on all three levels will interventions in stalking cases be effective. Health care providers in general are not well trained in risk assessment and often underestimate the danger inherent in a given situation, as case example two clearly indicates. The accumulation and the management of information is a central aspect in stalking cases.

Stalking is a repetitive behavior which leads to typical reactions on victims' side, such as fear and/or a feeling of being threatened. This leads to dramatic changes in their life, e.g. having to move home, giving up their job, avoiding public places, this is just to mention a few of its effects. In many cases effected persons develop severe psychiatric disorders, such as sleep disorder, difficulties in controlling stress, depression, anxiety disorder, and somatic problems (eating disorders, chronic pain disorders, headaches, cardiac problems). Stalking is not a single "occurrence", rather it is a chain of events. Most of them are not criminal per se, e.g. to offer someone flowers, to call someone, to write love letters to someone. Only the complex behavior pattern is what constitutes stalking.

Traditionally stalking was considered as a symptom of an underlying disease, e.g. erotomania. Understanding stalking as a behavior problem per se has opened the door to a new scientific approach – which lead to the formulation of anti-stalking laws in the last 15 years. Stalking is now considered a criminal offence. According to a meta-analysis of existing data based on 103 studies with approximately 70'000 victims, 24% of women and 10% of men are effected by stalking at least once in their life (Voss 2004). Thus stalking effects many more of us than first thought. Stalking clearly is a public health phenomenon.

Case examples

We discuss here three case examples to illustrate both the complexities and the danger of stalking cases. The first example was dealt with by the Swiss Supreme Court and illustrates the legal difficulties in prosecuting stalking cases if there is no Anti-Stalking law in effect, as is still the case in Switzerland. For the stalking victims this lead to a considerable ongoing stress over years, which makes it difficult to treat affected victims – it also illustrates that psychiatric treatment depends on the legal conditions to a high

degree. The second example from Germany illustrates the problem of risk management and what can happen if the risk assessment is not done properly – information management plays a crucial aspect, where close cooperation between health care providers, police forces and affected victims is a sine qua non condition for effective intervention. This example also illustrates the importance of Threat Management Units among the police forces: specialist teams among the police who have knowledge on handling stalking cases. The last example, a historical and well know case from California, is a reminder of what stalking is about.

Imagine you were the treating psychiatrist: how would you proceed in these cases? What kind of collateral information do you need? At which point do you recommend police interventions? What do you expect from the victim, from other involved disciplines, especially from the police?

Case-Example 1 (Switzerland)

The first stalking case in Switzerland was processed in the Swiss Supreme Court (6S.71/2003) on August 26, 2003. The man accused of stalking worked as an engineer at PSI, a nuclear facility, in Switzerland. After a physical assault on a co-worker he was prohibited from entering the facility (February 02, 1994). Between February 1999 and April 2000 he waited for hours in the PSI car park with the intention of meeting the director or the vice-director. Several times he pursued them by car. On April 23, 1999 he announced to the vice-director, that he ultimately needed to talk to him, either in a hospital, at a police station, at a court, or anywhere. During a phone call on April 27, 1999 with Prof. Y, a co-worker at PSI, he announced that he will purchase a handgun and kill people if he was diagnosed as having cancer. Prof. Y informed the director about this phone call.

The first court decision on April 11, 2000, lead to the case being thrown out of court. In a second hearing on October 16, 2001 the offender was found not guilty. The Appellation Court (Obergericht) decided on March 26, 2002, that the verdict had to be revised. On August 20, 2002, the court (Bezirksgericht) then conditionally sentenced the man due to multiple threats (mehrfacher Drohung) for two months, but cleared the accusation of pressurizing (Nötigung). The Appellation Court (Obergericht) reduced the verdict on one point on January 21, 2003, but sentenced him for pressurizing to four months incarceration. The stalker appealed to the Swiss Supreme Court, but was finally convicted (August 26, 2003).

In this case, one of the major problems in the legal prosecution was, that Switzerland does not have an Anti-Stalking law. The defense argumentation was, that a particular behavior which is considered to be legal when done one time cannot become a criminal behavior just because it is repeated.

The PSI management felt threatened by the stalking behavior, which started on February 02, 1999. Since then the offender had been in the car park 137 times until April 2000 – every second working day. On April 23, 1999, he was reported to the police; however, this measure did not stop his stalking behavior. Prof. Y, when giving his lectures at university, was wearing an bullet proofed vest.

Case- Example 2 (Germany)

ARTE Television broadcasted a special issue on stalking on October 17, 2006, where the tragic killing of a women by her former husband was documented. Corina was killed in Bremen at her workplace on March 7, 2005, by her ex-husband Michael (40). For 14 years everything seemed to be fine in their marriage - he

was a tradesman, she was a hotel receptionist; and they had two children. They separated after marital problems had erupted, after he had an extramarital relationship. He could never accept the break-up of the marriage. During the next 9 months he began to stalk his former wife; and his dangerous behavior became more and more obvious. Eight times the police was called for help. Many relatives and neighbours now believe that Corina could have been saved, if adequate interventions would have taken place. There was hope, that psychiatric therapy would help him, and when the threat increased, that police interventions would stop him. The stalker was admitted to a psychiatric ward, but later released – without realizing how dangerous he was. A witness contacted the police in Niedersachsen (another state), who learned that Michael was about to kill his former wife. But the information had not been transmitted from one police department to the other.

Case-Example 3 (USA)

Any person who willfully, malicious, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking. [California Anti-Stalking Law, 1994]

This case example was described by Saunders, 1998, and extracted from her writing. “I have an obsession with the unattainable. I have to eliminate what I cannot attain.” These words were penned by Robert John Bardo in 1991 to his sister shortly before he murdered actress Rebecca Schaeffer at age 21. Bardo first saw her on the television series *My Sister Sam* in 1986; he was attracted to her youthful innocence and started writing fan mail to her. She sent him a handwritten card and autographed picture, which validated his delusion of their mutual attraction. Bardo then attempted to personally meet with her in Los Angeles, but was rebuffed by security guards when he tried to enter the studio. His attempts were never reported to the actress; despite the fact, that he was well known by the guards in the meantime.

On his third trip to LA he carried a knife. In his diary Bardo wrote: «I don't lose. Period». Once again he failed in his mission. In 1988, Bardo went to see the movie *Scenes from the Class Struggle in Beverly Hills*, in which the actress was in bed with a male character. Bardo became infuriated and wrote her several threatening letters, addressing her “Miss Nudity 2-Shoes”. Later in court he stated: “If she was a whore, God was going to appoint me to punish her”. Bardo hired a private detective to locate the actress' address; and he also bought a gun and hollow point ammunition. He drew a diagram of a body and filled it with Xs where he planned to shoot the actress. After arriving in LA Bardo called his sister and told her that he was going to fulfill his mission to «stop Schaeffer from forsaking her innocent childlike image for that of an adult fornicating screen whore». He went to Schaeffer's apartment and rang the bell. After a short conversation, Schaeffer asked him not to come to her private home. A short time later he returned, and when she came the door, Bardo grabbed the door and shot her in the chest. In a video-recorded confession following his arrest, Bardo described that as she died, Rebecca Schaeffer screamed at him, “Why, why?”.

Threat Management: General Philosophy

Threat Management is usually not part of psychiatric treatment, where professionals traditionally focus on interpersonal problems. However, in stalking cases the ongoing risk assessment is part of one's professional duty. A simple answer to stalking behavior does not exist – possible solutions vary on individual cases. Two different approaches can be considered:

- Defensive Strategy: treating victims
- Offensive Strategy: police interventions, therapeutic interventions for stalkers, legal measures

In defensive strategies stalkers are usually not aware of the help victims receive; whereas in offensive strategies the stalker takes note. This often contributes to a significant escalation which can lead to an increased risk for victims. In general, victims are advised to begin with defensive strategies and only to proceed to offensive strategies when necessary.

Information management as a crucial aspect

Information management is based on gathering and processing information from various sources. There is a great danger in not considering information because it does not fit into picture. The thorough information management is crucial for effective threat management. Depending on the risk assessment there exists a duty to warn third parties according to the Tarasoff doctrine, which imposes a balancing of rights (confidentiality vs. protection of others) on the treating psychiatrist. The Tarasoff doctrine is applicable in Europe as well, according to latest court decisions by the European Court of Human Rights (see: Osman v UK; Gavaghan 2007).

Dramatic moments (Melow 1996) play a crucial role in the development of stalking cases, and may lead to a significant increase in threat level. The traditional risk factors for violence (substance abuse, access to weapon (guns), personality disorders) are not useful for risk assessment in severe stalking cases. The non-presence of risk factors in stalking cases does not mean, that there is no risk. The risk for extended suicide should always be considered in stalking cases. The author presents recent data from family murdering in Switzerland (Killias et al. 2006) which strongly support this approach. In a great number of fatal violence, stalking was present during its development. This also illustrates, that there is always a path to violent outbursts which must be used for preventive strategies.

Offender Typology

When discussing the causes and underlying problems of stalkers, then we must consider that stalking is not a disease. Stalking is a criminal offence. According to a study by Kamphuis et al. (2004) over 80% of all offenders seemed to have no psychiatric disorder at the time when the stalking occurred. About half of all stalking cases develop from an intimate relationship. Not surprisingly, there are many overlaps with domestic violence. Around two third of female victims and one third of male victims are stalked by an ex-partner. The other half of the stalking cases are observed in the workplace, where the stalking behavior overlaps with workplace violence.

According to the literature about 80% of the offenders in severe stalking are men. Most stalkers seem to have great difficulties accepting a simple “no”. Stalkers intend to impose power over another person. They want to force a person to behave in the way they desire. Several studies have clearly indicated that many stalkers suffer from attachment problems in their lives (Lewis et al. 2001, Dye et al. 2003, Kamphuis 2004). This offers an understanding of the stalking behavior in many cases. Stalking is always a relational offence – you cannot stalk without another person.

There exists a dozen stalking typologies; however as a static concept, they are not very useful in describing the offender-victim dynamic over time. Today the best available approach for offender intervention is the RECON typology (Mohandie et al. 2007) co-presented at this symposium (RECON stands for *relationship context*).

Intervention-Strategies

There is no single answer in stalking cases, and there is no absolute protection against stalking. Anybody can be targeted by a stalker. It is crucial how society protects its citizens against stalking. There is no question, that only when an anti-stalking law is implemented stalking is considered to be a criminal offence. Such anti-stalking law leads to appropriate reactions by law enforcement authorities, it helps to protect potential victims, and it provides the basis for an effective management of stalkers. However, an anti-stalking law per se does not lead to effective intervention in stalking cases, it is more a kind of foundation for various intervention strategies.

The anti-stalking law is only brought into effect by the law enforcement authorities, otherwise it is just a piece of paper. Specialized police teams such as TMU (threat management units) focuses much more on the psychodynamic aspects of the stalking process and the threat on effected persons. Police intervention is of great help in stalking cases; often only their presence by “just knocking at the stalker’s door” is enough to bring the stalking behavior to an end. According to a German study the stalking behavior was stopped by simple police presence in two thirds of all cases. Besides police intervention there is a lot of advice for victims which might help to stop stalking.

However, the stalking behavior is initiated and determined by the stalker – the victim’s reactions often interfere with the stalking dynamic and may increase both the severity and the intensity of the stalking behavior. Victim treatment can help overcoming ambivalent victims’ reactions – to set clear boundaries is often only possible under professional support. By discussing this, it is not intended to make the victims responsible, rather to help them to set clear boundaries before things get worse. Treatment of victims is therefore part of a successful threat management. Victim treatment is part of a defensive strategy against stalking.

The three different approaches for interventions in stalking cases often go hand in hand:

- Treatment of victims
- Police interventions
- Treatment of stalkers

Threat management during victims’ treatment focuses on:

- Absolutely no contact with the stalker
- Informing neighbours, co-workers, relatives and friends
- Installing a second telephone line/mobile phone – the old one is reserved for the stalker
- Documenting in detail all occurrences
- Saving proof, including photographic documentation of any damage
- Making an allegation in case of physical threats and attacks
- All injuries and psychological reactions should be carefully documented by physicians

- In case of ongoing threats contacting experienced professionals for advise and help

The therapeutic intervention helps victims to overcome their ambivalent feelings towards their offender – often ex-lovers, where they might believe that just “talking to each other” is the only way to find a solution. The result is opposite to this expectation – any contact with the stalker increases their fixation on the targeted victim. Therefore, any attempt for mediation must be absolutely avoided.

Police intervention is always based on the legal framework. The case example from Switzerland shows the insufficient threat management, when there is no anti-stalking law in effect. TMUs among police departments have documented their effectiveness in stalking cases; starting with the first TMU by the Los Angeles Police Department such specialized teams now operate not just in the United States, but in Canada and Europe as well. The Helsinki Police Department was one of the first in Europe, Bremen (Germany) followed. Focussing on threat management, these police forces learn to deal with the psychodynamic aspects of criminal behavior and to anticipate further developments – their intervention strategies become more active, than just reactive, as traditional police interventions may be.

Treating stalkers is one of the most effective ways to protect potential victims. An offence-focused treatment approach is based on the stalking behavior per se – and not on personality traits or an underlying illness. However, the motivation of stalkers to change their behavior is minimal to zero. Without a clear legal framework and mandatory treatment in place this approach will fail. The therapeutic intervention technique has been presented by the author at last years APA in Toronto and a handout can be downloaded from: <http://www.bsgp.ch/userdocs/APA2006%20Stalking.pdf>

The treatment is based on a semistructured program consisting of 24 moduls carried out in an outpatient facility. An initial assessment clarifies treatment conditions. Severe cases of stalking require forensic interventions and must be carried out in inpatient facilities.

Threat management by professional cooperation

Without a clear legal framework effective intervention in stalking cases is not possible, as the two European examples clearly indicate. The co-operation fails, when law-enforcement authorities do not have the legal base for interventions. In stalking cases, the information-management is crucial, as illustrated in example two. It must be clear within the professional network, who is responsible for gathering information, and sharing it. Then it must also be clear, who will react at which level of evidence. The decision making process is best done in a network where there are regular meetings. The police has access to valuable information, where health care professionals through their therapeutic interventions have access to information from the victims and their relatives – often related with the offender at least in cases of domestic violence.

Risk assessment and threat management is an ongoing process, where new aspects and developments may lead to a revision of assessment. If for example victims learn that the stalker has purchased a handgun the risk for dramatic violent outbursts increases dramatically. As the stalker is not motivated for a cooperative approach, often only police interventions are helpful at this point of the escalation. The legal framework must be in place – otherwise the police is not legitimated to intervene.

Conclusion

Threat management in stalking cases requires a close co-operation between involved disciplines. The information management is crucial and requires ongoing contact. The risk assessment is a process and not a single event, which is based on developments and collateral information. The risk assessment for suicidal and aggressive behavior must go hand in hand and requires close co-operation between health care professionals, especially psychiatrists, and law enforcement authorities. There is a considerable overlap of different forms of violence - stalking is often present in domestic violence and murder.

For the case management it is essential that a particular person/team is responsible for co-ordinating the different steps. In stalking cases, as in violent and lethal outbursts in general, there always exists a path to violent acts, where interventions are possible. The risk of overreaction must be balanced towards security aspects – the better the risk assessment tools, the professional experience and the information management, the better the result.

It is not yet clear whether psychiatrists, police teams or other agencies are responsible for the case management. These aspects need further clarification; in mild stalking cases the case management may be with the psychiatrist, but it should be transformed to the police once it turns into severe stalking (threats, physical assaults), with a ongoing close co-operation between the involved disciplines.

Suggested readings

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