

Operations of The LAPD Threat Management Unit

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The 1989 murder of Actress Rebecca Schaeffer was the catalyst for the first anti-stalking law in the United States, California Penal Code Section 646.9. The law was adopted in 1990 and has since been duplicated in various forms by all 50 States. The key elements of the California anti-stalking statute are:

- A course of conduct (two or more acts) that involve harassing and threatening behavior.
- A credible threat, implicit or explicit, towards the victim or the victim's immediate family.
- The intent to place the victim in reasonable fear for their safety or that of their immediate family¹.
- Actual emotional distress experienced by the victim from the fear created by a suspect's threats or course of conduct.

In California, stalking as defined above constitutes a “wobbler” offense. The crime may be prosecuted as either a misdemeanor or felony depending upon the dynamics of the case, violation of a court protective order, and the criminal history or background of the suspect.

Rebecca Schaeffer

¹ The law does not require that the suspect intended to carry out the threat. Simple communication of a threat with the intent to place the victim in fear satisfies this element of the statute.

The murder of Actress Rebecca Schaeffer has been detailed and documented in various media since her death in 1989. Schaeffer's murder has had a profound but positive impact on law enforcement nationwide. Laws have been adopted and improved, victim advocacy groups have been empowered, and the manner in which law enforcement evaluates, assesses and manages incidents involving threatening behavior has improved dramatically. The Schaeffer case clearly demonstrated the need for early detection, assessment, and proactive case management to derail the forward momentum of individuals taking a path towards violence.

Prior to 1990 there were no anti-stalking laws. Obsessive behavior was largely viewed as a mental health issue, and there was little or no communication between law enforcement entities and private security professionals tasked with the personal protection of highly visible individuals. Schaeffer's killer, Robert Bardo, was a mentally ill young man who made no secret of his obsessive attraction to her. Bardo wrote several letters to Schaeffer's managers and promoters expressing his love and admiration for the young star. On at least two occasions Bardo was detained by Warner Brothers Studio security while attempting to access the sound stage where Schaeffer was filming. Each time, Bardo had gifts and flowers intended for Schaeffer, as well as a large folding knife concealed on his person. Unfortunately, nobody was comparing notes. Bardo was simply shooed away to return another day. Rebecca Schaeffer's murder changed that. Building upon information that he had obtained through a private investigator, Bardo made contact with Schaeffer at her Los Angeles area residence. On his second visit to her apartment,

Bardo became furious because Schaeffer looked irritated by his return. Bardo responded by fatally shooting Schaeffer once in the chest at close range.

LAPD Threat Management Unit

Following Schaeffer's murder and the subsequent creation of the California anti-stalking law, representatives from the Los Angeles Police Department (LAPD) met with representatives from the entertainment industry to address the issue of networking and the need for a proactive, multi-disciplinary approach to the management of threat and stalking cases. These meetings resulted in a commitment by the LAPD to establish a unit dedicated to responding to threats and threatening behavior. The Threat Management Unit (TMU) was developed in 1990 to provide a new approach to the old problem of how to handle cases involving obsessive behavior that may be harassing or threatening in nature without necessarily crossing the threshold of a criminal offense. The *Threat Management Unit Guidelines* note:

“Unless a specific crime has been committed, police agencies have historically remained uninvolved in such cases, leaving the victim to deal with his or her problem. However, by the time such cases escalate, some victims have experienced tragic consequences before police intervention could be initiated.”

Lane, J. and Boles, G.

Threat Management Unit Guidelines (2000), Unpublished.

The above quote contains two key points when considering stalking investigations: the long term and continuing nature of such cases, and the need and role of a specialized unit for proactive intervention to prevent homicides or serious risk of injury to victims and their loved ones.

TMU Responsibilities

With the passage of time, events and trends have required that the TMU evolve and expand its expertise and investigative responsibilities. Presently the TMU is responsible for investigating serious threat cases within the City of Los Angeles, which include:

- Aggravated stalking and criminal threats.
- Threats to Los Angeles' elected public officials.
- Workplace violence cases involving Los Angeles city employees.

Ancillary responsibilities include:

- Maintaining liaison relationships with the Los Angeles' entertainment studios, United States Secret Service, FBI, and the California Highway Patrol (CHP) Dignitary Protection Unit.
- Staffing the Los Angeles City Threat Assessment Team (CTAT).
- Staffing the Los Angeles Police Department Threat Assessment Team (LAPD-TAT).

The most significant responsibility of the TMU is the process of threat assessment, and implementing that threat assessment into a case management strategy. However,

before any threat assessment of value may be done, detectives must obtain as much applicable information on the suspect and victim as available.

The Preliminary Investigation

In most large police departments, the most important part of any investigation is generally conducted by well intended patrol officers who usually have the least amount of job experience. At the time that most of us attended our respective police academies, we were taught the “Dragnet” method of crime reporting: “just the facts, ma’am.” Had we just deviated from the boxes on the report form, and asked a few probing questions, that victim may have told us about the ex-boyfriend or co-worker that they suspected was responsible for their vehicle vandalism or late night hang-up calls. The problem has typically been that victims are not trained witnesses and do not know what information to volunteer to officers. Conversely, officers typically are not trained interviewers and only ask the questions that police report forms require. Consequently, detectives often receive crime reports with minimal information that would link what appears to be a random minor offense to a much broader stalking scenario. Responding officers should be mindful that what appears to be simple harassment may in fact be symptomatic of a developing stalking case. Some of the crimes most commonly reported by stalking victims include:

- Threatening or harassing phone calls
- Threatening or harassing emails
- Trespass
- Vandalism of victim’s property, particularly their vehicle

- Thefts or burglaries
- Physical assaults
- Identity theft and Internet postings

Regarding public figures, often the management office or security agent will be the first point of contact, and may in fact be witness to much of the suspect's activity.

Officers recognizing a developing stalking trend should expand their interviews to address the following concerns:

- Who is the suspect?
- How are the suspect and victim known to each other?
- What other activity is occurring?
- When did the activity begin?
- Have other police reports been filed? Where and when?
- Has the victim obtained a restraining order on the suspect?
- If so, have there been any violations?
- Has the suspect made threats? If so, what exactly was said?
- Is the victim afraid?
- What has the victim done as a result of their fear? (Has the victim altered their daily regimen, changed phone numbers, obtained a restraining order, moved, etc.)
- Are there any witnesses or evidence to corroborate the suspect's activities?

The above information should be documented at the time of the preliminary investigation in order to provide detectives with enough information to prioritize the case,

while at the same time providing a usable worksheet to initiate a threat assessment and to formulate a game plan for the follow-up investigation. Since stalking and threat cases by their very nature are long-term, protracted problems, victims and witnesses should be advised about handling and preserving future evidence, e.g., being mindful of possible fingerprints while saving written communications, emails, phone messages, telephone records and gifts. Perishable gifts such as flowers should be photographed with any delivery paperwork and cards saved. Vandalisms should be reported and photographed as well, with a particular emphasis on the wording of any graffiti.

The Followup Investigation

Every case is different. The followup investigation will largely be dictated by information gleaned from the preliminary investigation and the followup interview of the victim and witnesses. All TMU followup investigations have four basic components:

- Re-interviewing the victim and witnesses
- Gathering evidence and corroborating statements
- Assessing the threat
- Case management and intervention strategizing

Re-interviewing the victim

Keeping in mind the previously discussed elements of a stalking crime, it is vital that detectives have a complete understanding of the history of the victim and suspect relationship. Particularly important for domestic violence type cases, the same is true for

the high profile or VIP cases where there may have been a previous professional, business or personal relationship. What constitutes a credible threat may vary from one case to the next, depending upon the nature of the relationship between the victim and suspect.

Several years ago a colleague of mine investigated a domestic violence case where the suspect had battered his wife while inside their home. The police were summoned and the suspect was arrested due to the victim's visible injuries. As the officers were leading the suspect to the police vehicle, he turned to his wife and said, "Don't worry honey, I'll be out in a few days. We'll go back to Las Vegas to celebrate." This appears to be an innocuous statement, certainly not threatening in content. But what if the victim advised the police officer that the last time she and her husband went to Las Vegas she had been beaten so severely that she was hospitalized for three days? That victim could have certainly interpreted that as a threat by relating that comment to her previous experience with the suspect. In taking the time to do an in-depth re-interview of the victim, the officer has now proved the credible threat element of the criminal statute.

Even the relationship of an unknown fan to a celebrity must be considered. Is the celebrity victim a sports figure, an elected official, a child actor or an adult porn actress? What information has recently been in the news, tabloids or internet? How does the fan perceive this public information? In the context of these individualized dynamics, what constitutes a credible threat will vary from person to person and case to case. Knowing the nature of the victim's celebrity may also give us some insight into the personal dynamics—the thoughts, emotions, and behavior--of the suspect.

When we conduct a TMU investigation, we ask our victims to start from the beginning of their relationship or initial contact with the suspect, and end at the point that law enforcement became involved. It is not uncommon for TMU detectives to spend three or more hours re-interviewing the victim to get a complete understanding of the issues. This time is well spent and will pay dividends when deciding upon a case management and intervention strategy. A byproduct of this interview is the establishment of rapport with the victim. Open communication and detective availability instills comfort and confidence. Oftentimes we will enlist victims as participants in their own investigations; asking them to obtain phone traps, restraining orders, and retain voicemail messages and emails. A confident and involved victim is more apt to follow through with recommended security measures, evidence gathering, and prosecution if needed.

Another byproduct of the interview is the opportunity to educate the victim on the nature of threat investigations and law enforcement's limitations in protecting them. Simply stated, law enforcement cannot provide protection 24 hours a day, 7 days a week. In a perfect world, which unfortunately does not exist, a victim shouldn't have to make changes in their lifestyle due to a suspect's actions. The victim, moreover, must be responsible for his or her own safety. To that end, officers must use caution when recommending security measures. Be mindful of potential civil liability should the victim be subsequently harmed. We should identify the risks and hazards and present the victim with options and suggestions, not guarantees. Ultimately, decisions about personal safety and security rest with the victim.

Guarantees of safety aside, the following recommendations should be utilized in all stalking or threat related cases:

- Cease all contact with the suspect, including all personal, telephonic or email communications.
- Contact law enforcement to report all incidents, and press for assurance that the assigned detective is notified as well.
- Keep a detailed log of all incidents to include dates, times, locations and witnesses to what occurred.
- Save all evidence: gifts, letters, notes, photos, voicemail and email messages.
- Allow the police to conduct the investigation without third party interference. Security agents or personal attorneys should first consult with the investigating detective to avoid impacting the criminal investigation.

Evidence Gathering

This is the meat and potatoes of the followup investigation. Obtaining corroborating evidence will often be a deciding factor when formulating a case management plan. Do we arrest and prosecute or utilize other means of intervention? Without corroboration and/or evidence, arrest and prosecution are not even an option.

Once we have re-interviewed the victim and have identified the pertinent issues of the case, identifying and gathering evidence is nothing more than an exercise in common sense:

- If the suspect is calling the victim, we need the voicemail messages and/or telephone company records (refer to section on search warrants and subpoenas).

- If the suspect is emailing the victim, we need to retain the original email and obtain identifying information from the internet service provider (refer to search warrants and subpoenas).
- If the suspect is emailing the victim, we also want to seize the suspect's computer for forensic testing with a search warrant or subpoena.
- If the suspect has stolen property from the victim, we need to search his residence and vehicle for the victim's belongings (search warrant or parole / probation search, if applicable).
 - *If you're in the house, take the computer.* Justify it in a search warrant. Suspects often research their intended victims on the internet, maintain notes and diaries, and post blogs with incriminating content. This information is stored on the computer hard drive and is powerful evidence for law enforcement.
- If the suspect has assaulted the victim, obtain photographs of injuries as soon as possible and all subsequent medical records.
- Photograph property damage, vandalism and graffiti, and obtain copies of repair estimates.
- Re-interview witnesses and corroborate their statements utilizing the same techniques as previously discussed.

Search Warrants and Subpoenas

Search warrants are a fundamental tool in the investigation of stalking and threat related cases. Telephone companies, internet service providers, and financial institutions all

require a search warrant or subpoena before releasing the records we seek.

Unfortunately, search warrants don't write themselves and detectives are apt to avoid using them due to the writing time required. As a result, good evidence is often unnecessarily missed.

Detectives should maintain templates of the various search warrant formats they will need for their assignment on a word processor or computer media. This will streamline the writing process and, to an extent, allow detectives to fill in the blanks with the information specific to the case at hand. The affidavit or support declaration will read differently depending on the location to be served and the evidence sought. A search warrant to an internet service provider for subscriber information will be dramatically different than one for a residential search for recovery of stolen items. The most important thing to remember about search warrants is the fact that *if you don't ask for it, you don't get it*. Think about what evidence is being sought and be sure to give a foundation for the items or information in the narrative of the affidavit.

Subpoenas are generally issued by a court or prosecutor (*Subpoena Duces Tecum* or *SDT*) after the filing of criminal charges. This can be a much faster option for investigators once the case is in the hands of the prosecutor and should be discussed with the District Attorney or other prosecutor at the time of filing.

Assessing the Threat

Once we have re-interviewed the victim, verified evidence, and identified the suspect and his/her activities relative to the case, we can now begin the process of a worthwhile threat assessment. Threat assessment is an evolving process. New and

pertinent information should be continually added and considered as it becomes available. Oftentimes, an initial assessment will differ greatly after the addition of a few pieces of critical information.

Threat Assessment vs. Risk Assessment

In our operations, a Risk Assessment evaluates the vulnerability of potential victims; their positions or opinions that place them at risk; as well as the environment in which they live and work. In this context, a risk assessment is a very general, superficial process that means little unless incorporated into a much broader threat assessment with an identified threat and source.

While speaking at a domestic violence conference in New Mexico several years ago, I had the pleasure of sitting in on a presentation by now retired FBI Special Agent Eugene Rugala. At the time, SSA Rugala was the Supervisory Special Agent for the FBI's National Center for the Analysis of Violent Crime. One of his power-point slides struck me as being most poignant:

Many persons who make threats do not pose threats,

Some persons who pose threats never make threats,

Some persons who make threats ultimately pose threats.

This may sound like a word puzzle, but the message here is to not get caught up in focusing on the threat itself, but rather the person, behavior and circumstances behind the threat. In fact, research reviewed by Dr. Reid Meloy, and documented in his book,

Violence Risk and Threat Assessment (2000), indicated that the communication of a threat in a public stalking case may actually be a risk reducing factor as evidenced by large group statistical data. However, keep in mind that *every case is different* and the relationship between threat and risk will vary from case to case.

The threat assessment process is a multi-faceted approach to evaluating the person(s) responsible for the threat being investigated. It involves the evaluation of the threat itself, the content, and the context in which it was made. In addition to evaluating the vulnerability of the victim (risk assessment), in-depth background research is conducted on the person or group responsible for the threat to determine prior criminal activity, history of previous violent acts, familiarity with the victim, access to weapons, mental health concerns, mobility, and other pertinent facts. Past behavior is the best predictor for future actions. If a person has engaged in violent activity in the past, he or she is much more likely to act out violently in the future given the right motivations or stimulus.

Stabilizing and destabilizing factors need also be weighed. Issues such as the suspect's physical health, living environment, existence of a family or friend support system, financial stability, and any significant upcoming anniversary dates need to be identified and considered. These are very critical components of the threat assessment process. The accuracy and reliability of any assessment is diminished in the absence of this pertinent data. An old rule of thumb that we learned as patrol officers is that a person who is suicidal is also homicidal. A person that feels that they have nothing left to live for due to health, financial, or relationship reasons can be a very dangerous person indeed. Conversely, a person who is gainfully employed and involved in a nurturing

relationship with good health and future goals has a great deal to lose if their threat is exposed or acted upon.

We need to finally look at the suspect's behavior and actions. It's relatively easy to threaten someone from the comfort and anonymity of a computer keyboard or pay telephone. Even if the suspect identifies himself, they are doing so within the relative safety and comfort of their own environment. It requires a much greater investment by the suspect to confront their victim face to face outside of their comfort zone.

Consequently, threats tend to become more elevated as they progress from less personal modes of contact (voicemail, email, mailed letters) to more personal modes of contact such as directed travel to the victim's office, home or family member locations. When a detective observes this progression, it is time to amplify involvement in the case management strategy and to consider intervention options to slow the building momentum.

Case Management Strategies

Every case is different. There is no 'one size fits all' response to threat cases. If there were, the threat assessment process would not be necessary. Because each case is truly different, the following options are considerations that can be integrated into a case management strategy based upon the dynamics / specifics of the particular case at hand. There are dozens of things to consider when developing a case management strategy. In all considerations, the victim's safety should be the paramount and overriding issue. The

manner by which we intervene should be driven by the immediacy of the threat posed by the suspect.

Intervention vs. No Intervention

When is it best to ‘wait and see,’ versus confront the offender and risk exacerbating his or her behavior? This can be a very difficult decision and should be based on consideration of a number of variables:

- *The proximity of the suspect to the victim.* We often get celebrity cases where an obsessed fan from other parts of the United States or abroad is writing or emailing our victims living in the Los Angeles area. In those cases, arrest and extradition are extremely unlikely unless there are some serious felony allegations. We have no quality control over any “knock and talk” intervention that may be done by local law enforcement on our behalf. Restraining orders are enforceable from state to state but would require the victim to travel to the suspect’s jurisdiction to testify on any subsequent prosecution, which in turn is likely to result in minimal jail time. Keeping in mind that anything we do has a cause and effect, we may consider monitoring the suspect’s communications rather than risk losing good intelligence on his thoughts and activities. We may be able to stop the communication, but we can’t stop the obsession. The last thing we want is for the suspect to go underground and then suddenly appear when the police and the victim are unprepared.

- *How and where the suspect contacts the victim.* With public figure cases, very often the suspect's only point of contact is via the victim's management or administrative offices. Typically these office environments have protocols in place for the review and screening of mail, phone calls, etc., without direct contact with the victim. Absent some serious criminal element, we may want to keep those calls and letters coming if the suspect's communication is providing us with useful information or insight about his activities or intentions. One should designate an office contact person to field the suspect's calls, letters, or emails and maintain a log of the activity. By keeping the contact limited to one or two individuals within the office, escalation in the suspect's rhetoric or frequency of calls can be better detected.
- *Seriousness of the crime.* Just because an act may constitute a crime, doesn't necessarily mean that we should always arrest and prosecute. Low-grade misdemeanors such as trespass or annoying phone calls may be symptomatic of a developing stalking scenario, but alone will not result in significant jail time. Here is where we need to evaluate our suspect--does he or she have multiple prior arrests with a lengthy history of violent acts? If so, arresting and releasing a few hours later may have little deterrent effect and could exacerbate the problem. Conversely, an otherwise law-abiding person with few police contacts may respond favorably to any police intervention, and the few hours spent in lock-up may be all that is needed to alter his behavior. Every suspect is different. Detectives must talk to their victim and do their homework.

- *Evidence.* Having a reported crime is one thing, proving it is something else. The follow-up investigation will determine whether sufficient evidence exists to support a criminal filing. Losing a case at filing or in trial can empower and embolden a suspect. One should know what can and cannot be proven before committing to an arrest.

Knock and Talk

If a verbal warning is to be used as a deterrent in your case management strategy, there is no substitute for a face-to-face interview with the suspect. Fundamentally, a “knock and talk” intervention is a form of intimidation. That is not to say that we bully, badger, or threaten the suspect. In fact, being professional but firm is often the best course of action. The intimidation aspect comes from the simple presence of law enforcement within the suspect’s comfort zone. With that in mind, where we choose to conduct the intervention should be determined by what gives us the most leverage or psychological advantage.

- *The suspect’s home.* Does the suspect live alone or with family members? In many celebrity-stalking cases we deal with delusional individuals who live with family members due to mental illness. Typically, these suspects have a great deal of time on their hands to watch television, write letters and emails, and make annoying phone calls to our victims. By interviewing them at home we can often elicit the assistance of family members to monitor and control the suspect’s actions. Additionally,

getting inside someone's home gives us tremendous insight into their lifestyle and environment, as well as possible clues to the level of their obsession with the victim (posters, magazines, notes, videos, etc.). A disordered individual can sometimes come across as organized and functional during a telephone conversation. Seeing how they live is much more telling. If the suspect is married and is concealing activity from their spouse, we may choose not to interview them at home, saving that as leverage to help manage the case. Again, *every case is different*; the more background information that is obtained on the suspect, the better one can judge what location gives the best opportunity for a successful intervention.

- *The suspect's job.* This warrants great care. Embarrassing an individual in front of peers and co-workers can inflame a situation rather than resolve it. Additionally, if the subject were to lose employment as a result of our intervention, we have just added a destabilizing factor to an already potentially volatile situation. I recommend this as a last resort, when attempts to locate the suspect elsewhere have met with negative results.
- *The police station.* This is the intimidation factor once again. It can be very sobering for an individual who has had few prior contacts with the police to deal with the cold environment of a police station. Conversely, this may have little effect on a career criminal who has a lengthy arrest history. We must know the suspect.

Restraining / Protective Orders

The use of restraining orders to manage suspect behavior is often a controversial issue. Many noted security professionals advise against the use of restraining orders regardless of the case dynamics. To fortify their argument they often cite statistical data on suspect recidivism. To be certain, restraining orders are not appropriate or effective in every case. In fact, there have been incidents when the service of a protective order has exacerbated the suspect's activities. Obviously, some suspects are not suitable candidates for a restraining order due to past violent history with the victim or severe mental health issues. However, it is our experience that the failure of a restraining order as a management tool is generally the result of either (or both) of the following factors:

- Failure to report violations. Many times victims will not report what they consider to be minor infractions of the restraining order due to the “trivial” nature of the offense. In reality, what they may have experienced was actually boundary probing by the suspect to test the victim's tolerance and the police response. If not reported appropriately, the lack of response can embolden a suspect. In those instances, we can expect the behavior to escalate in subsequent violations.
- Police complacency. When violations are reported and not quickly acted upon by the police, the same lack of response issues apply. Advising a victim to obtain a restraining order without being prepared to act upon the first violation is counterproductive to the case and could increase the risk to the victim.

Detectives should view restraining orders as tools rather than deterrents. We are seeking to place legal parameters around behavior that would otherwise not be criminal. We expect the suspect to violate the order, with the knowledge that we can now justify an arrest where none was possible before. Restraining orders fill a huge void in the State of California where no anti-harassment statutes exist. When used in this capacity, restraining orders can be a vital component of a case management strategy.

Mental Health Intervention

Perhaps the most useful but least utilized tool as it applies to public figure threat investigations is a mental health intervention. Most jurisdictions in the U.S. have statutes in place that allow sworn police officers to involuntarily detain individuals who have demonstrated that due to mental health issues they are a threat to themselves or others, or gravely disabled to the point that they cannot care for themselves. The subjects are generally admitted into a secure mental health care facility for a 72-hour psychiatric evaluation and risk assessment. Based upon the findings, the treating physician may extend this hold for a period of up to 14-days and beyond, depending on the level of impairment and danger to self, others, or grave disability. Now, consider the minimal detention time that same subject would have received on a low-grade misdemeanor arrest, without even addressing the overriding mental health concerns. Nothing about this process precludes investigators from later seeking criminal charges upon the subject's release from the hospital.

There are many benefits afforded with this type of intervention:

- The subject has been detained, thereby providing the victim short-term relief and the opportunity to implement security measures or obtain a restraining order.
- The subject has been evaluated, diagnosed, and treated for the same mental health issues that may contribute to the threatening behavior that is being investigated.
- Detectives have been afforded time to prepare search warrants, arrest warrants or interview witnesses.
- The subject is exposed to ongoing treatment, monitoring and periodic welfare checks through county mental health resources and social agencies.
- In California, subjects who have been placed on *involuntary* psychiatric holds for danger to self and/or others may not own or possess a firearm for a period of five years from the date of hospitalization.

The TMU recently investigated a case in which the suspect, a German citizen, had been corresponding with a highly recognizable local actress. While on vacation in the Los Angeles area during the summer of 2006, the suspect approached our victim outside of her gated home and convinced her that he was an avid fan. He further explained that he was stricken with cancer and that it was his dying wish to meet her. Our victim invited him into her home and spoke to him briefly before sending him on his way. Unfortunately for the victim, but fortunately for us, he had obtained her telephone number once inside the house. Upon his return to Germany the suspect began calling and text messaging the victim with daily delusional references to her being his lover, girlfriend and future wife. In April 2007, the suspect phoned the victim and advised her that he was en-route to Los Angeles so that they may be together forever. When told that

she would not see him, the suspect replied that he was coming anyway and would kill himself on the victim's front lawn to demonstrate his love.

At the time that TMU became involved in the case, the suspect had already been admitted into the country, having cleared U.S. Customs in Washington, and was airborne on a connecting flight to Los Angeles. We met him at the airport with an LAPD SMART unit (System-wide Mental Assessment Response Team). Based upon their interview, it was determined that the suspect was so fixed in his delusion that he was a danger to himself and was placed on an involuntary psychiatric hold in a secured mental health facility. Now, with the luxury of time, we were able to coordinate with U.S. Customs, Immigration, the German Embassy, and the psychiatric facility to develop a plan of action. A week later, the suspect was discharged from the psychiatric hospital to the German Embassy security staff. Security officers escorted him to the airport and placed him on a non-stop flight back to Germany. The German Embassy then coordinated psychiatric evaluation for the suspect upon his arrival home. The individual is presently on a no-fly list and is barred from re-entering the United States.

This investigation illustrates several important points, not the least of which is that delusional and disordered does not necessarily mean incapacitated. This particular individual was quite resourceful and capable of putting a plan into action. Had the police, security, or victim's legal council previously intervened to prevent this suspect's phone calls, we never would have known that he was coming. We may be able to stop the calls, but we can't stop the obsession. This could have had a very tragic outcome had the suspect "popped up" when no one expected him. Fortunately, this matter was resolved entirely because of a timely mental health intervention. Aside from his

annoying phone calls, a very low-grade misdemeanor offense, there were no crimes to justify a lengthy detention or expulsion from the country once he cleared U.S.

Immigration and Customs. The mental health hold provided the detention time needed to formulate a plan of action, the justification to remove the problem and the leverage to prevent the problem from returning; a lot of “bang for the buck” considering the absence of a serious criminal offense. Additionally, this individual received the care and attention that was badly needed both in the U.S. and in his country of origin.

An important aside is that due to privacy laws, hospitals may not be able to share treatment information or diagnosis with investigating officers. That does not prevent us from sharing information with the hospital. The more information that we can provide the attending staff, the better equipped they are to properly evaluate and treat our subject.

Arrest and Prosecution

In aggravated threat and stalking cases where sufficient evidence exists to support a felony criminal filing, there can be no better long-term intervention than arrest, incarceration, and probation. Many useful management tools can be brought to bear as a result of a felony conviction.

While in custody a suspect may receive diagnostic testing and treatment. Once released, the suspect’s terms of probation or parole can require drug testing, anger management or psychological counseling, outpatient treatment, and periodic reports to the court to verify compliance. Additionally, the court can issue protective orders on behalf of the victim to further restrict the suspect’s activity. In extreme cases the suspect may be required to wear electronic monitoring devices to prohibit movement beyond

prescribed areas. When some suspects are eventually found not guilty by reason of insanity—a rare occurrence—they must be committed to an *involuntary* outpatient treatment program once released from a forensic hospital in California (Meloy et al., 1992). California law also mandates a psychiatric evaluation for individuals convicted of felony stalking and sentenced to prison. Occasionally, an individual convicted of felony stalking who has served his prison sentence will then be committed as a *mentally disordered offender* and transferred to a forensic hospital for at least a year. Perhaps the greatest benefit of these various containment strategies is the empowerment of the victim to regain control of his or her life. The luxury of time affords the opportunity for the victim to alter a lifestyle and become less accessible to the suspect.

No discussion regarding prosecution would be complete without addressing the relationship between the victim, detective, and prosecutor. In Los Angeles, the District Attorney's Office has established a specialized unit to vertically prosecute aggravated stalking and threat cases. Simply put, "vertical" prosecution allows for the same District Attorney that files the case to follow through with all aspects of the prosecution: bail and discovery hearings, preliminary hearings, and trial. The ability to interact with the same prosecutor throughout the court process is a great benefit to a detective. Similarly, a public or private victim experiencing the ordeal of testifying and the unfamiliarity of the legal process is often more confident when dealing with a consistent team of investigators and a prosecutor who they can contact with any questions or concerns. Many jurisdictions offer vertical prosecution for domestic violence cases. Stalking and threat cases can be equally problematic and should be given the same emphasis.

The Future of Stalking

The future is now. With the widespread availability of computers and the expansion of the world-wide web in recent years, almost every case handled by the TMU has a cyber element. Either the suspect has researched the victim on the internet, has sent emails, or posted blogs in furtherance of the threats or harassment. With anonymizers, hot-mail accounts and overseas service providers, the investigation of these cases can prove problematic and time consuming unless we have an identified suspect. Further complicating these investigations are publicly accessed computer systems at places such as cyber cafes and public libraries. For a computer layman this can all seem daunting. However, it is important to remember that we are still investigating a stalking case. The computer is simply a tool used by a human suspect to further his or her criminal enterprise. With that in mind, we should approach this investigation as we would any other. We build our case and gather evidence as we would with any investigation. With computers, that often translates to the writing of search warrants for service provider records or the seizure and scanning of hard drives and other storage media.

Cops tend to resist change, particularly those of us with some gray in our hair. The fact is, computers and the internet are here to stay. As investigators, we need to continually expand our expertise in this area if we are to remain efficient and effective. I routinely receive calls from other agencies seeking guidance in establishing their own Threat Management type units. In addition to protocols, I always advise to seek out investigators with expertise in computer forensics, familiarity with the drafting of search warrants, and a background in domestic violence investigations. I have found that these talents translate well in the law enforcement-threat management world of today.

Conclusion

The few pages of this chapter cannot cover all the nuances or issues that may be encountered during a stalking or threat investigation. I have attempted to provide a template for investigations that will facilitate the identification of key issues with options for case management. I have not included many references to statistical research that has been done on stalking and threat assessment because they are derived from large group data.. From a law enforcement perspective, statistics are valuable building blocks in the understanding of stalking behavior and the development of threat assessment models. But statistics alone should not dictate a case management strategy. For that same reason I shy away from computer based threat assessment tools. As a training aid, less experienced investigators may be able to glean key interview points by reviewing these programs, but any assessment provided would be based on large samples, and does not account for the unique facts within any one case. What appears familiar may turn out to be quite foreign.

The Los Angeles Threat Management Unit maintains files of each case handled since our inception. From 1990 through April 2007, the TMU has investigated 3,098 cases involving stalking, threats, and other obsessive behavior. Although the ratios have shifted throughout the years due to added responsibilities, over 55% of the total cases handled have involved celebrities, sports personalities, elected officials, or other public figures as victims. Our files indicate that persons suffering from severe mental disorders are far less likely as a group to approach or confront the objects of their fixation. That particular statistic, however, would offer no comfort to the family, friends, and fans who

mourn the loss of Rebecca Schaeffer. Every case needs to be evaluated independently and on its own merit. Each victim, each subject, and each case is different.

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