

Crisis-Intervention-Team Stalking and Domestic Violence

„Stalking – CIT“

Concept of the “Täter-Opfer-Ausgleich Bremen e.V.”

Introduction:

Stalking is originally a term used among English hunters, which describes the chase and pursuing of animals. There have been incidents, since the beginning of humankind, but the term “stalking” reached a new dimension at the end of the 80's, due to the pursuance of Hollywood stars in the USA.

In the mean time stalking describes " a repetitive malicious pursuing and harassing of an individual, which is threatening to their personal security" (Meloy 1998). According to one of the more narrow definitions, it means the persistent following, watching, controlling and threatening of another person, predominantly in the context of an erotic relationship and its break-up. Investigations showed however, that the majority of stalking victims were not celebrities, but rather, were no more than average citizens. The so-called "ex-partner-stalking" is the most observed and under certain circumstances the most dangerous phenomenon. The prevalence of stalking depends on the definition of stalking chosen; the average length of the stalking experience is 1,8 years in the U.S. while only 20% of English women experienced stalking that lasted longer than a year.

So far, stalking in Germany (unlike the USA, Belgium, Australia or Great Britain) does not represent a criminal offence. Therefore, a charge is only possible when other punishable offences can be proven within the context of the stalking incidences, such as compulsion, bodily harm or damage. Many stalking incidents are not seized by criminal law and in practice are hard to prove since often the behaviour of the stalker could be regarded as socially acceptable. The intensity of the situation is dependant on the frequency and length of the abuse, nevertheless it does very often heavily impair the individual's life and his/her freedom. Clinical psychological and psychiatric studies concerning the effects of stalking on the victims have shown that stalking takes a heavy psychological toll: severe distress and fear often lead to a deterioration in mental and/or physical health and well-being, e.g. with psychiatric diagnoses like post-traumatic stress disorder, other anxiety disorders and depression. Besides, the living and working circumstances of stalking victims might become severely affected and can end up in social isolation.

An optimisation of the civil courts relating to handling stalking, should be brought about by the “violence protection law”, entered into force on 1st January 2002: In cases of domestic violence, a provisional suspension of the offender from the home and a contact prohibition can be obtained. In accordance with § 4 GewSchG, stalking can be punished as criminal offence, however in practice this causes various problems since the responsibility of providing proof rests on the victims; only a charge against well-known stalkers is possible and besides, the stalker should have legal capacity. Additionally, the victims must accept an enormous bureaucracy expenditure, to be able to prove abuse by a medical certificate as should be able to prove psychological and financial mistreatment. All this aside, many stalkers do not adhere to judicially imposed contact and approximation prohibitions and it is possible that during this time difficult conditions are intensified.



Therefore, in the case of stalking offences a modification of the police law in the individual countries seems urgently necessary. Additionally, in order to secure evidence surely, police must be granted admission to the scene of the crime. The police force of Bremen can credit itself with the success of their existing stalking project, started 2001, its goals being: a standardising of procedure from the police and the public prosecutor's office; and a raised awareness and increased sensitivity within the police force regarding stalking incidences in order to recognise stalking promptly. Four Stalking commissioners are at the victims disposal, should they need someone to confide in. All stalking procedures are recorded regardless of fulfilled criminal standards. The so called "scene of crime principle" (§ 9 StGB) was replaced by the "victim's residence principle" and the danger is assessed via the evaluation of the described stalking acts, data base search and a risk assessment discussion.

According to a study of the Bremen police in 2004, there have already been 180 stalking cases with case-facts recorded, in Bremen; for the year 2006, 337 cases are estimated. The tendency is rising. Since stalkers are often not calculable but very adaptable, a immediate intervention is necessary. Alongside targeted prevention, in order to improve the protection of the victims and draw lines for the offender, there must be a close co-operation of the organisations concerned with criminal fight, prevention and victim protection with institutions. In addition to existing organisations, it is necessary to found a special crisis intervention team ("Stalking-KIT"), with both the support of the public and co-operation of the public prosecutors office, ensuring deft intervention and offering psychological support for victims and offenders. The planned model project is to be carried out in close co-operation with member states of the European union in order to intensify the international co-operation and to optimise targeted prevention.

Preamble:

The serious homicide acts of 1999 and 2005 in Bremen showed that a special crisis intervention concept is absolutely necessary in case of stalking, to ensure protection of victims and to reduce a rise of offenders. The "crisis intervention team, stalking and domestic violence" ("Stalking-KIT") is a low threshold institution, concentrating on working fast and resourcefully. The protection of the "victim" and the immediate restriction of the "offender " take precedence in its intervention. If necessary, an continual constructive revision on conflicts is possible, e.g. in the situation of a separation or a conflict settlement out of court, and in some cases it may even prevent a legal intervention.

Bases:

Important to ensuring crime and victim protection on European level is the co-operation with the police, the law and institutions as well as promoting an exchange of successful practice; vocational skills should be improved and the project is to be evaluated by scientific researchers. Co-work within the European union offers the chance to have a sound knowledge of the juridical systems of our member states and to improve European relations. Additionally, targeted preventive methods can be optimised, informal contact between prosecution authorities nurtured and a work atmosphere based on trust is achieved.

The project lays emphasis on the following points:



Crime prevention:

- exchange of methods and procedures for the conversion of proven practices for crime prevention,
- development of new prevention strategies on a local, regional and a European level,
- optimisation of the cost-benefit ratio, from projects concerning crime prevention,
- evaluation of the model project on local, regional and European level,
- comparison of statistics and culturally conditioned differences between the member states,
- the breaking down of insecurities and fear of crimes, both on a private and on a vocational level.

Victim protection:

- information for the public about stalking and domestic violence and further legal procedures,
- sensitivity of co-workers employed to work for the rights of victims,
- information and training of associates from prosecution authorities,
- building of effective structures in order to support victims of criminal offences,
- optimisation of intervention strategies.

This already introduced and tested plan for the treatment of stalking incidents and offences of domestic violence, is seen as particularly successful if used as a backbone combined closely with already existing plans which Bremen offers

- of police stations (in particular the 4 Stalking representatives of the police inspections),
- of the victim emergency call of the Bremen police (Tel. 0800 2800110),
- self-help groups for victims of stalking incidents within the social psychiatric services

and amendment of possible measures after the “Gewaltschutzgesetz” (violence protection law).

Common administrative regulation:

The assignment of the “Stalking-KIT” is based on an existing administrative regulation of the senator for the interior, the senator for law and constitution; as well as the senator for work, women, health, youth and social services, December 2001 and an annotation of this guideline from 9th May 2001 at the early intervention and case suggestion through police officers and/or via special heads of the department of the public prosecutor's office Bremen.

Following the guideline and commentating this means:

Police officers investigating cases of stalking and domestic violence often have the first insight into both the circumstances of the offence and into the "offender profile", which plays a special role with the danger warning in Stalking cases. At the same time there is a direct contact to traumatised or disturbed victims - for instance in the context of hearing witnesses. In some cases such victims must be placed to a special crisis unit, because they can't be left alone and/or in their dwelling.

Of special relevance for an expansion of the police suggestion authority to the “Stalking-KIT” is the *current* knowledge of the police to the circumstances of the offence and the direct "national" intervention becoming possible by the “Stalking-KIT” for offender delimitation, which is not only important for the danger warning, but also in the sense of victim protection.



Nevertheless the administrative regulation is valid:

The public prosecutor's office remains at any time - also during engagement of the "Stalking-KIT" by the police – *head of the criminal procedure*. The engagement is an *additional measure* to the investigations, in order to ensure direct danger warning any case of doubt, as well as relieve the public prosecutor's head of department who must frequently make their decisions from records alone.

In case of unsuitable case suggestions by the police, the public prosecutor's office always has the possibility in accordance with § 2 exp. 2 of the administrative regulation to oppose itself against an intervention of the "Stalking-KIT". In contrast to other practice, interventions of the "Stalking-KIT" can begin *immediately* with the agreement of the public prosecutor's office is to be caught up *as soon as possible*.

Case 1 - "mild" stalking:

In order to illustrate a mild, but nevertheless stressful form of stalking, we would like to represent a case which shows how present stalking is in our society and to which extent "mild" forms of stalking influences the lives of victims.

The 22-year old Mrs. H describes the problems with her former partner Mr. X as follows: Mrs. H became acquainted with Mr. X 3 years ago through a friend. At this time she lived on her own. Mr. X made a calm, reserved impression and was working as an assistant painter. Mrs. H realised she had fallen in love with him, because he seemed to be a structured, calm man who gave her strength and helped her to deal with problems at home (especially with her parents). They moved into a flat, but a few months later the first problems arose as the result of unemployment of Mr. X. Mrs. H got the impression that Mr. X did not strive seriously for a new employment, but instead spent their little money on several mobile phone contracts. Additionally, Mrs. H felt increasingly impaired by the jealousy of her partner. Thus Mr. X forbade her to flirt with other men and was always distrustful also concerning her contact to good friends. On the one hand, he forbade her to leave the house and on the other hand he had no desire to go out with her. Mrs. H felt increasingly restricted, the contact to her friends became more seldom and if she dared it to go out alone she left her mobile phone at home so as to avoid Mr. X calling in order to control her.

At the beginning of the year Mrs. H already tried to separate from Mr. X but when trying to get her things out of their home with the help of a close friend, Mr. X "freaked out" and called her names, e.g. "slut" and "whore". He became so impulsive that he had to be prevented from attacking Mrs. H violently. After that Mrs. H stayed with him rather than having to have arguments with him. Six months later however she dared to separate from Mr. X. After the separation Mr. X troubled her again and again with short messages, countless nocturnal calls and surprising visits in order to recapture her as girlfriend. He promised her to have changed and asked her to return. When Mrs. H gave him to understand that she only was interested in a friendship, he began to call her names and waited in front of her house again and again, called or visited her unannounced and then refused to leave. During such a visit it came to a violent argument, whereupon Mrs. H loudly called her neighbours for assistance and fearfully punched against a windowpane which finally broke. She kicked Mr. X out of the flat, whereupon he hurt his arm willingly and threatened to call the police in order to blame her for bodily harm. Every now and then he sent short messages to Mrs. H which contained latent suicide threats, whereupon Mrs. H once alarmed the police and his family, because she was



afraid for his life. When the police arrived, Mr. X sat quite "calm" in his living room and was far away from committing suicide.

Only the criminal charge of Mr. X and her contact to psychologists of the "Stalking-KIT" could stop Mr. X. But even six months later -without any forms of harassment- Mrs. H still shows avoidance behaviour, fights with fear and depressive mood and does not feel safe anymore.

Principles for practice:

In the work with "victims" - which is usually done by a psychologist of the same sex – the following principles are valid:

1. *Mastering of current crisis*: The offer of crisis intervention, if necessary also at night, so far this can not be guaranteed by other services and partner co-operations .
2. *Reality testing*, re-establishment of "internal security": Apart from objective protection, the internal reality of the "victim" must be reconstituted by discussions or other active support and/or mediation.
3. *Stabilisation of self esteem (empowerment)*: The "victims" must be short or mid termed in the position to recognise the own capacity to act and where necessary to introduce these desired steps (e.g. charge, clear feedback at "offenders"), in order to master their experience and to integrate psychologically.

In the work with "offenders" - which is also led by a psychologist of the same sex – usually following principles are valid:

1. *Set limits immediately*: Immediate intervention and confrontation with allegations, at best development of a protection explanation for the victim, if necessary initiating juridical sanctions or other measures of national control (force law for the protection, appraisal) as soon as possible.
2. *Reality testing*: "Offender", accused or alleged criminals are forced to take responsibility for their acts and are prevented from further stalking by confronting them with the consequences of their acts as well as with valid social values.
3. *Relieving dialogues*: Talking about the conflict is relieving and can replace the actual carrying out of the act which is destructive, if the professional opposite (" the neutral third person") can offer a triangulation of the predominant dynamic and can steer the situation and discussion contents accordingly. In acute psychological crisis, regular conversation additionally provides a framework, by which (except for a few exceptions) the accused can be supported as well as limited and controlled.
4. *Cause change*: In the context of the dialogue, the offered support and challenge to self reflection as well as the development of alternative strategies to cope with possible "internal" and/or external conflicts usually change the offender's behaviour and cause insight, cooperation and a reintegration into the community.

In co-operation with the other party to the proceedings the following principles are valid:

- In order to provide special prevention and danger defence, interventions should occur as near as possible to the incident (already in the case of suspicion, before a complete investigation of circumstances and/or charge refunding).



- Intensive feedback to the police and the public prosecution office as well, and if necessary, different co-operation partners from victim assistance and offender control about the actual situation and effects of the interventions.
- Confine control of the contribution of all agreements from protection explanations, behaviour agreements and/or compensation achievements.

Practical procedure of the “Stalking-KIT”:

1. *Establishment of contact:* The establishment of contact is, contrary to other cases of constructional treatment *not* necessarily always in writing and with the use of forms, but in some individual cases also by using the telephone or personal contact with the client.

2. *Protection explanation:* Each intervention is initially a "minimally correctional reaction" to the "offender's" behaviour. The reaction is based on at least one personal discussion in a specific and individual setting according to the case.

3. *One- on -one interview:* The one- on -one discussions with offenders and victims take place near to and in premises of the low threshold institution, adapted to the individual case and at a necessary rhythm. House visits and crisis talks in police stations are possible where necessary.

4. The discussions are led by a team of experienced psychologists/psychotherapists of both sexes ("mixed double"). The position of the victim will be strengthened, the offender will be confronted with valid social values and has boundaries set. The internal conflicts of both parties are worked on either openly or with discretion.

5. If necessary further constitutional interventions are initiated.

Discussion framework, processes and intervention proceedings:

Outside framework (setting), discussion process and interventions are dependent on questions and comments of the responsible co-worker of the “Stalking-KIT”.

Apart from reality testing during the process of dialogical association to the processes of action and dynamic, the relationship between stalking victims and offenders and its underlying dynamic is carefully considered.

The form of intervention is not set, however it reveals itself through loopholes and discrepancies in the picture, which result from impressions of the history, the phenomenon of counter transference, the process of discussion (“scenic understanding”) and the behaviour of the clients on the basis of the “suspended attention”.

The results of the discussions (omissions, protection explanations, behaviour arrangements as well as the disregard of introduced constitutional reactions) are fixed in writing with the offender and signed by him in the form of a protection explanation as soon as possible.



This declaration is passed on to the investigating police officers as well as the responsible departmental heads of the public prosecution office. If necessary the persons concerned are placed to ambulatory or stationary counselling or therapy.

The procedure is then finally locked with the “Stalking-KIT” only if a feedback of the justice or other services about the completion of the case was received.

One year after receiving this feedback the record is destroyed for obligation of secrecy.

Theoretical bases:

Interventions of the “Stalking-KIT” are done in consideration of consolidated findings about criminal profiles, victim categories and danger analysis. The psycho social development of the involved persons, at least the offender, is raised and considered with the choice of the interventions.

Theoretical basis for the practical procedure of the “Stalking-KIT” form the particular meaning of defence mechanisms, development- and/or life-crisis, realisations over special strains and mental-health problems of the offender as well as different conflict theories in order to understand the relation dynamics between offenders and victims; and the case history of stalking actions (e.g. experiences with violence and abuse).

Apart from the available criminological realisations, findings about trauma, revictimisation and supporting psychotherapy are considered.

To add to the basis of a psycho dynamic approach solution, resource-orientated methods are introduced in order to stabilise the victim and to limit the offender as fast as possible. Due to the professional encouragement for self reflection, responsibilities are clarified, strengths, goals and rights are pointed out, as well as alternative ways of reacting introduced. The achieved success is supported by an intensive guidance and the guarantee of a call-readiness and so a reintegration into society is made possible.

