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Stalking Investigations
(Re-issue DB 14-226)

Definition

“Stalking” (646.9 PC) is defined as, “any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person **AND** makes a credible threat with the intent to place that person in reasonable fear for his or her safety.”

Assignment

Domestic violence incident reports listing stalking as the crime should be routed to the Special Victims Unit (SVU) for investigation. Use “Stalking” as the incident report title and “Domestic Violence” as the secondary type of incident.

Stalking incidents not related to domestic violence but involve high-profile individuals, public officials or dignitaries are investigated by the Special Investigations Division (SID).

All other stalking incidents shall be assigned to and investigated by the District Station Investigations Team.


Prosecution

Stalking is a felony when both elements of the crime are present.

A domestic violence-related stalking case can also be prosecuted when the victim is stalked through the use of electronic devices such as e-mail, instant messaging, text messaging, etc. There have also been instances when victims have been stalked by a suspect through use of global positioning systems (GPS) or through video, digital cameras, or listening devices. Physical proof of usage devices should be seized and booked as evidence. Victims should also be encouraged to seek restraining orders when applicable.

Other charges such as annoying phone calls (653m PC) and the aggressive pursuit of another person (122 MPC) should also be considered.

Members with questions about stalking incidents can contact SVU (415) 553-9225, SID (415) 553-1133, or their District Station’s Investigation Team.


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