



DEPARTMENT NOTICE

20-183
12/17/20

Stalking Investigations

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 or the safety of his/her family.” Courts have also found that the subject’s ‘course of conduct’ over an extended period of time may be sufficient to charge 646.9 PC; *People v Lopez*, 240 Cal. App. 4th 436 (2015).

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 involving 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 (646.9 PC) is a felony when both elements of the crime are present. Annoying phone calls (653m PC) and Aggressive pursuit of another (122 MPC) are misdemeanors.

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, social media, 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.

Members with questions about stalking incidents can contact Inspector John Keane, SVU (415) 553-9363, SID (415) 553-1133, or their District Station’s Investigation Team.

WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department Document in PowerDMS. Members whose duties are relevant to this Document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.