

**Original citation:**

Taylor-Dunn, H., Bowen, E., & Gilchrist, E. A. (2018). Reporting Harassment and Stalking to the Police: A Qualitative Study of Victims' Experiences. *Journal of Interpersonal Violence*.  
<https://doi.org/10.1177/0886260518811423>

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## **Reporting Harassment and Stalking to the Police - A Qualitative Study of Victims' Experiences**

### **Abstract**

To date, there have been few studies with victims of stalking in the UK (Budd & Mattinson, 2000; Korkodeilou, 2016; Sheridan, Davis & Boon, 2001), and this is the first to have been conducted following the clarification of stalking as a criminal offence in 2012. In 2016, Her Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) and Her Majesty's Crown Prosecution Inspectorate (HMCPPI) announced the first ever inspection into harassment and stalking in England and Wales. This article presents research commissioned by HMICFRS as part of the inspection. In particular, we explore how victims described the response of the police and situate this within the context of changing legislation and previous research in the field. In total, 35 people shared their experiences of reporting harassment and stalking; 14 people completed an online survey and 21 participants were interviewed. Responses were analysed thematically and a series of themes were identified. The analysis suggests that despite the clarification of stalking as a criminal offence in 2012, the majority of participants described poor responses from the police – with many describing police inaction, or inappropriate action - in addition to feeling blamed and not being taken seriously. The article considers possible explanations for these issues and concludes by calling for harassment and stalking legislation in England and Wales to be clarified, and for police training to shift the focus of the investigation from the behaviour of the offender, to the emotional impact on the victim.

*Key Words:* stalking, criminology, domestic violence, legal intervention (domestic violence)

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It was not until the 1990s that stalking began to be recognised as a social problem worthy of state intervention (Korkodeilou, 2017). Legislation was first introduced in California in the US in 1990 (Petch, 2002). Since then, countries across the Western world have followed suit and identified the issue as a criminal offence (Korkodeilou, 2017). However, there is still no universal definition of stalking. Indeed, within the US, different States use different legal definitions (Owens, 2016). Similarly, there is no consensus amongst researchers, or indeed victims, as to what definitively constitutes stalking (Frederick, 2007).

Early definitions of stalking focussed solely on the behaviour of the offender (Meloy & Gothards, 1995), but this has since been extended to include the reaction of the victim (Mullen, Pathé, Purcell & Stuart, 1999). It is generally recognised in law that stalking is a crime of persistence (Gowland, 2013), with most statutes requiring a course of conduct by the offender, usually taken to mean behaviour occurring on at least two separate occasions (Purcell, Pathé, & Mullen, 2004). It is the impact on the victim, however, that makes stalking difficult to define. The offender's behaviour may appear harmless (Sheridan, Scott & Nixon, 2016), yet these seemingly innocuous behaviours can have a devastating impact on the victim when they are understood as part of a wider pattern of behaviour. Consequently, many legislative definitions refer to the impact on the victim to determine whether an offence has occurred – principally, but not exclusively - through the concept of fear (Purcell et al., 2004). Fear, however, is subjective, and as Owens (2016) discusses, what causes one person to be fearful will not necessarily apply to the next person.

It is perhaps not surprising, given these conceptual difficulties, that there is also legislative ambiguity regarding the distinction between harassment and stalking. Indeed, many of the legal definitions of stalking include some element of harassment. Authors such as Purcell et al. (2004) have suggested that a line can be drawn between these two concepts, with a period of two weeks being the point at which harassment becomes stalking. More recently, researchers have moved towards a behavioural definition of stalking which usually combines duration (greater than two weeks), number of unwanted intrusions (threshold of five incidents), and victim fear (Johnson & Thompson, 2016, Thomson & Dennison, 2008, Senkans, McEwan & Ogloff, 2017). While behavioural definitions such as these may be helpful when conducting research, they are not reflected in legislation.

### **Legislative Response in England and Wales**

The first attempt to legislate against the crime of stalking in England, Wales and Northern Ireland came with the 1997 Protection from Harassment Act (PHA). The primary

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reason for legislation being introduced was a recognition that victims of stalking were not protected by existing statutes (Harris, 2000), and so a Stalking Bill was put to Parliament in 1996. When the legislation was drafted, however, there were concerns about how to define stalking (for many of the reasons explored above), and so the Act focused on harassment in a broader sense, of which stalking was a part (Finch, 2002).

The term harassment was not defined and was instead framed subjectively as a course of conduct (meaning on two or more occasions) that would cause a person to suffer alarm or distress (PHA, section 2). However, it would not simply be for the prosecution to prove the victim was alarmed or distressed, they would need to show that the offender knew or ought to know that their behaviour would amount to harassment by using the test of whether a reasonable person would have known (Finch, 2002). The Act also made it a criminal offence to pursue a course of conduct that would cause a person to fear violence on at least two occasions (PHA, section 4). This element of the legislation was criticised in relation to stalking, as victims are likely to fear that violence *may* be used, but not necessarily that it *will* be used (Finch, 2002).

Following the introduction of the PHA in 1997, there was evidence to suggest it was not being implemented consistently (Harris, 2000), and it was largely the result of poor police and prosecution practices that gave the impetus for the Protection of Freedoms Act 2012 to clarify stalking as a criminal offence (Budd & Mattinson, 2000; Korkodeilou, 2016; Sheridan & Davies 2001). The legislation stipulates that an offence can be committed where the course of conduct that causes harassment is associated with stalking (PHA, section 2A). The Act goes on to provide a non-exhaustive list of examples, including: following someone, contacting or attempting to contact them, loitering in a public or private place, watching or spying on them, or publishing statements or material about the person on the internet (Crown Prosecution Service, 2018). The legislation also recognises the serious impact that stalking can have, and created a new offence where a defendant pursues a course of conduct (associated with stalking) which causes the victim serious alarm or distress, and which has a substantial adverse effect on the victim's usual day-to-day activities (PHA, section 4A(b)ii). Finally, an offence can be committed if an offender pursues a course of conduct (associated with stalking) that amounts to harassment, and which causes a victim to fear that violence will be used against them (PHA, section 4A(b)I).

From the discussion thus far, it would appear that what should distinguish stalking from harassment in England and Wales (according to the legislation) is the *nature* of the course of conduct. The problem, however, is that the course of conduct is not explicitly

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defined – it may include the examples cited above, or it could include other unspecified behaviour – and these behaviours could also constitute harassment. Essentially, because the legislation does not provide a definition of either stalking or harassment, two offences exist, but without a clear indication of the difference between them.

##### **Police Responses to Harassment and Stalking**

There is consensus within the existing literature that the criminal justice response to victims of harassment and stalking requires improvement. Studies in the US, UK, Australasia and Europe suggest that victims are likely to encounter significant barriers when reporting their concerns to the police. Research indicates that victims are unlikely to feel they have been taken seriously (Korkodeilou, 2014; Melton, 2005; van der Aa & Groenen, 2010), are unlikely to see the police as particularly helpful (Brewster, 1998; Galeazzi, Bucar-Rucman DeFazio & Groenen 2009), and may be subject to an insensitive and victim-blaming response (Korkodeilou, 2014; Melton, 2005; van der Aa & Groenen, 2010).

Such dissatisfaction is mostly attributable to the perceived inaction of the police, with various studies highlighting the frequency with which victims are told there is nothing the police can do, and that no criminal offences have been committed (Korkodeilou, 2014; Melton 2005; Morris, Anderson & Murray, 2002; van der Aa & Groenen, 2010). In a recent study it was revealed that over an eight-year period in Houston, Texas (USA), there were only 12 arrests for stalking, leading the authors to question “where have all the stalking cases gone?” (Brady & Nobles, 2017, p. 3166). Moreover, as an alternative to arrest and prosecution, research suggests that police officers are likely to tell the victim to move house or change their behaviour in order to avoid the perpetrator (Brewster, 2001, Korkodeilou, 2014), thereby failing to recognise the severity of the situation and the potential risks involved, particularly in the context of domestic abuse and coercive control (Davis, Swan and Gambone, 2012; McEwan, Daffern, Mackenzie & Ogloff, 2017; Melton, 2005; Morris et al., 2002; van der Aa & Groenen, 2010).

It appears that a misunderstanding of stalking legislation may explain police inaction, with some suggesting that police officers base their decisions on flawed notions of what constitutes stalking (van der Aa & Groenen, 2010). This perhaps reflects the nature of stalking legislation in comparison to most other criminal offences. Behaviour that would usually be considered legal – such as calling someone or sending them a gift – becomes illegal when it is unwanted, happens on more than one occasion, and causes alarm or distress to the victim (Sheridan & Davies, 2001). The fact that harassment and stalking offences form a pattern of behaviour, arguably puts them at odds with traditional criminal justice practices.

This issue has been articulated by Tolmie (2018) who considers the introduction of coercive control legislation in England and Wales in 2015. This new legislation was designed in the same way as harassment and stalking, in that it requires a course of conduct by the offender as well as an impact on the victim (alarm or distress and change to daily activities). Tolmie (2018) expresses her concern that the existing adversarial justice system in countries like New Zealand, the UK and the US, is unlikely to be able to deal effectively with the complexity of these offences, particularly the need to appreciate the unique impact on victims. It appears that such concerns are well-founded: existing studies suggest that police officers treat reported incidents of stalking in isolation, failing to recognise the bigger picture, and thereby forcing victims to recount their story each time they call for help (Korkodeilou, 2014; Morris et al., 2002; van der Aa & Groenen, 2010).

### **The Current Study**

The question guiding this research was ‘how do victims who report harassment and stalking to the police describe their experiences following the criminalisation of stalking in England and Wales’?

The research presented in this article forms part of a wider project commissioned by Her Majesty’s Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) as part of the Criminal Justice Joint Inspection into harassment and stalking. The aim of the inspection was to understand how the police and Crown Prosecution Service (CPS) were currently handling these offences throughout England and Wales. When commissioning the research, HMICFRS requested a qualitative study that would collate the experiences and perceptions of victims of harassment and stalking who had approached the police for assistance in six (pre-determined) police force areas. The project was commissioned in December 2016 and the fieldwork ran over seven weeks from mid-February to the start of April 2017.

Existing research in the UK has exclusively used the term stalking as opposed to harassment. This is largely due to the legislative framework described, which until 2012 viewed stalking as part of harassment. The definitions used for this project focussed on how individuals perceived their experience, as opposed to whether the police agreed that a crime (if any) had been committed. The following definitions were provided to potential participants.

*‘Harassment is when someone behaves in a way that makes you feel distressed, humiliated, or threatened, and this has happened on at least two occasions. It could be by someone you know or a stranger’ (Citizens Advice Bureau, 2018)*

*‘Stalking can be understood as ‘repeated and persistent unwanted behaviour that is intrusive and creates fear. It may or may not involve threats’.* (Paladin, 2016).

### **Methodology**

#### **Design**

Due to the funder’s requirements, and to give a voice to victims’ experiences, the research was designed qualitatively with three options for participation. The first comprised a face-to-face, semi-structured interview (Ashton, 2014; Smith, 1995). The second involved a telephone interview based on the same semi-structured interview guide. The final option, reserved for those victims who wanted to be involved, but for whom talking to a researcher directly may have been overwhelming (Kitzinger, 1995; Sue & Ritter, 2011) or time-consuming, was an online survey that covered the same issues as the interview guide and allowed sufficient space for the participant to express their opinions and experiences.

#### **Data Collection Instruments**

The same set of questions formed the basis of the online survey and interview schedule. Both were designed to understand the situation prior to contacting the police and the trigger for seeking police assistance. Questions then focussed on each stage of police involvement and how victims felt about the service they received.

#### **Procedure**

The research design was approved by the University of Worcester Research Ethics Committee in January 2017. Two recruitment methods were proposed: the first method was to recruit through support services for people who had reported harassment and stalking to the police. To try and recruit a diverse range of participants, these organisations included Victim Support, domestic violence services, sexual violence services, Lesbian, Gay, Bisexual and Transgender, Queer, Intersex and Asexual (LGBTQIA) organisations, specialist services supporting Black Minority Ethnic (BME) communities, stalking charities, and women’s centres. The second method involved contacting the Stalking and Harassment Single Point of Contact (SPOC) in each of the six police services to ask them to identify people who had reported harassment or stalking within the last year, but who were not experiencing any form of domestic abuse as the research team did not want to put anyone who may still be in an abusive relationship at risk.

When contacting support agencies and the police, the research team explained what the research was about and how it could be conducted (face-to-face interview, telephone interviews, or an online survey). The communication set out HMICFRS’s criteria for involvement in the research: the victim should have reported their experience of harassment

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and/or stalking to one of six police services; the report should have been within the last 12 months. In addition to this, the project team added two further criteria: only victims whose cases were finalised should participate - to avoid interfering with the judicial process should the case reach court – and, in the case of people who were also victims of domestic abuse, contact should only be made via organisations who were supporting them.

The communication also explained our rationale for contacting victims through support services (in relation to the need for participants to receive support following their involvement). This approach required a limited confidentiality clause for interview participants as their involvement in the research would be known to the organisation supporting them (if they required follow-up support). The researcher addressed this by asking each organisation who facilitated involvement of their service users for interviews to sign a confidentiality agreement. In addition, it was explained to support services that we had funds available to arrange for interpreters (including sign language) or intermediaries as we did not want to exclude anyone from participating.

Contact was made with over 70 local organisations (as described above) in the six police service areas (determined by HMICFRS) as well as five national organisations supporting victims of stalking and domestic abuse. However, most organisations either did not respond, or were unable to help, with only 13 face-to-face and telephone interview participants recruited in this way. Due to the low response rate, the second recruitment method of identifying victims through the police was then used. This had varying success across the six areas. Towards the end of the fieldwork stage, because of the difficulties in recruiting, HMICFRS agreed for the research team to approach participants from outside the six priority areas. At this point, a charity who provide the National Stalking Helpline assisted the project team in identifying suitable participants and provided ongoing support. All participants who agreed to a telephone or face to face interview consented for their safe contact details to be passed to the researcher. The research team then made contact directly and arranged a suitable time and location.

All potential participants were provided with information about the project, including their right not to participate, as well as contact details if they had a complaint or questions about the project. The information sheet detailed our responsibilities regarding confidentiality, and explained that no identifiable details would be recorded by the team, and that any quotes or case studies used in the report or subsequent publications would be fully anonymised. Face-to-face interview participants were asked to sign a consent form which they were advised would be kept on file for a limited time and then securely destroyed.



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Those who were interviewed over the telephone were given the option of being sent a consent form through the post to return, or via email. In the case of survey participants, they were asked to confirm they had read the participant information and consented to the research before starting the survey and were advised that if they chose to provide their contact details, these would be securely stored on the University server and then securely destroyed.

### **Participants**

In total, 35 people shared their experiences of reporting harassment and stalking to the police; 14 people completed an online survey and 21 participants were interviewed. Of these, 29 (83%) identified as women, and six (17%) identified as men. Most offenders were men (25, 71%), six (17%) were described as women, two (6%) offenders were described as a group of local children/young people, the sex of one offender was unknown, and one victim explained they were being harassed and stalked by both a man and a woman (further demographic data was not collected).

The relationship between the victim and offender(s) is set out in Table 1:

### **Table 1**

#### *Relationship between Victim and Offender*

Of the six men who participated, all but one was being harassed/stalked by other men – of these, five were described as neighbours, and one stranger. Of the women in the sample, nearly half (13, 45%) were being harassed/stalked by a male ex-partner. The duration of the harassment and stalking ranged from three phone calls, to 19 years. Two thirds (23) of participants had been harassed and stalked for more than a year, with six (17%) people having experienced this abuse for over four years.

### **Analysis**

The interviews were transcribed by a professional transcription service which signed a confidentiality agreement. Participants were asked to review their transcripts for accuracy (Shenton, 2004; Morse, 2015). All but four participants took up this offer, and all those who did were satisfied that the transcripts reflected their account. The data from interviews and open-ended questions from the online survey were then analysed thematically using NVivo software (Braun, Clarke & Terry, 2015). Before coding, each of the transcripts and interview responses were read thoroughly, along with the Principal Investigators' field notes, so the researcher was familiar with the data. An inductive approach (Saldaña, 2016) to coding was then employed, so that the emergent themes were based on the experiences of the participants as opposed to being predetermined by existing literature. The initial codes were reviewed by another member of the research team to ensure their validity. In total, 51 codes were

identified, and from these, several themes were produced. The quotes presented in this article are followed by the participants' unique reference number, their gender, and their relationship to the person harassing and stalking them.

### **Victims' Experiences of Harassment and Stalking**

It is helpful to briefly reflect on the nature of harassment and stalking victims experienced and the impact they described this as having on their lives. There were a range of direct and indirect contact behaviours described by participants. Direct contact included: in person/following (23); via social media (18); phone calls/text messages (18); emails/letters (7); threats to harm others (7); threats to harm themselves (6); contact through victim's employer (6) and assault (3). Indirect contact included: damage to car/property (22); contacting friends/family (10); spreading malicious rumours (8); recording/taking pictures of the victim (7); malicious reports to authorities about the victim (7); creating websites/posting content about the victim on the internet (5); sitting outside the victim's home (4), sending items to the victim's home (2).

In addition to the nature of harassment and stalking, victims described the various ways this abuse had impacted their lives, including: depression and anxiety (11); suicide ideation or viewing suicide as the only resolution to their situation (7); Post-Traumatic Stress Disorder (PTSD) (3); bulimia (1); alcohol abuse (1) and a suicide attempt (1). Finally, participants described changes they made as a result of the abuse which included: not leaving the house alone (11); shopping outside of their local area (8); changing their route home from work or school (4); installing Closed-Circuit Television (CCTV) (3); moving house (2); changing jobs (2) and not walking their dogs (2).

### **Victims' Experiences of Reporting to the Police**

The following discussion explores two key aspects of victims' experiences of reporting harassment and stalking to the police. The first refers to what victims described as positive elements of the police response, while the second refers to the various negative aspects of police involvement. It is important to note that there were no discernible case or demographic differences between victims who received a positive response and those who described more negative experiences. While the sample size was too small to run statistical analysis, it would appear that the relationship between victim and offender and the gender of the victim did not determine the adequacy of the response they received. Both men and women described positive and negative responses, as did people harassed and stalked by ex-partners, neighbours, acquaintances and strangers. Similarly, there were no apparent differences in the types of behaviours victims reported in cases where the offender was

arrested in comparison to those who were not. In most cases the same behaviours resulted in an arrest for one victim but not for the next. To begin, it is helpful to provide some context to victims' decisions to call the police by exploring the point at which they sought assistance and their expectations of what the police could do.

### **Decision to Call the Police and Expectations**

Participants were asked about what triggered their decision to call the police – of all participants, only one contacted the police immediately – the remaining 34 participants (97%) only contacted the police when the situation had escalated – for example, when someone close to them also became a target, when the behaviour escalated from threats to actions, or when the impact on the victim became too much to handle. As participants explained:

It- I started contacting the police when it escalated from just messages to the car being vandalised... And she accosted me and my children in the street, and was shouting and swearing, and- and frightening my children. (I16, Female, Friend)

Um, and he started turning up at my workplace, and the last straw was when he followed me home. (I19, Female, Ex-partner)

When the calls started threatening family members. (Survey Respondent, Male, Stranger)

When asked what they expected or wanted the police to do about the behaviour, the overwhelming response was for the abuse to stop.

I wanted them to stop them... making our lives a misery, and stop them scaring me. (I4, Female, Local Children)

I didn't want her to be punished, I didn't want her to be arrested and in trouble, I just wanted it to stop. (I16, Female, Friend)

Just to stop the behaviour but also to help my husband who is disabled feel more secure, confident and less vulnerable - we just felt we needed someone to help really. (Survey Respondent, Female, Neighbour)

Only four participants stated they initially wanted criminal justice sanctions against the offender. Of these, two were women who were being harassed by their ex-partners, and two were men who were being harassed by their neighbours.

I wanted him- I wanted him to go to prison. (I13, Male, Neighbour)

Well, I hoped that it would go to court, if I'm honest. (I10, Female, Ex-partner)

It is important to note, however, that despite their initial desire for the behaviour to stop, several participants later expressed their intent to go to court and give evidence:

I said yes, I would have gone to court if need be. (I1, Female, Stranger)

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I was prepared to go through anything to make sure this woman was stopped.

For the children's sake, I needed it... (I17, Female, Acquaintance)

Victims generally contacted the police when the situation had escalated. Two thirds of participants had been harassed and stalked for more than a year with six people having experienced the abuse for over four years. This suggests that many victims were at the point of desperation by the time they asked for help:

“Well, as long as it's me, that's okay. I'll just take it”. Sort of thing. When it then started being my daughter, that's when I thought “This has got to stop”. (I10, Female, Ex-partner)

### **Positive Experiences of the Police**

Much of the literature concerning the police response to harassment and stalking has identified the negative experiences of victims; yet there were positive elements of police practice identified in this study. In recalling their first contact with the police, the majority (21, 60%) of participants described this as positive. Whether the experience was seen as helpful by victims largely related to how responsive the police were.

At first it was really good, I had my statement taken...With an officer who was really good, she said “I don't like what I'm seeing”. (I18, Female, Friend/Neighbour)

They patrolled the streets day and night, looking for these kids, and uh, they would wait outside the schools, they would wait outside my house, they would hide, and just to try and find them and catch them. (I2, Female, Local Children)

I was really pleased that the police dealt with it so- quickly, and efficiently, and, y'know, like I said, now I'm trying to draw a line under that and move on. (I1, Female, Stranger)

Some victims commented that they had been taken seriously by the police and felt validated as a result:

From the moment I talked to the dispatcher when I rang 101 (non-emergency police number), they listened, they took it seriously. (I5, Female, Neighbours)

I feel like I've been taken seriously this time, and someone has actually said “Yes, it is harassment”. That's the biggest thing, as well, is for someone to say “Well, actually, all this stuff you've got here, all these letters, all these things you've been sent, all the situation I've gone through, solicitors, police information notice. It is harassment”. (I10, Female, Ex-partner)

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Where victims described a favourable service from the police, this often involved being kept informed of the progress of their case:

They've done everything they could, and they kept me informed, by phoning, or coming in to see me and everything. (I2, Female, Local Children)

The lady was very informative and empathetic. She explained that the police would contact me ASAP to tell me their plans and for my input. They then kept me updated throughout the whole process. It was really reassuring. (Survey Respondent, Female, Friend)

It was also the case that nearly half (17) of all participants indicated that they were referred to other organisations such as Victim Support or specialist domestic violence charities after contacting the police. When this happened, participants were generally appreciative of the support on offer:

I'm thankful to the police officer that recommended the victim support. Because the lady who came to see me, she made several visits, was excellent, and I would never now dismiss the idea, where I would have in the past (I5, Female, Neighbours)

This discussion suggests that for some victims, their experience of the police was positive. This was particularly the case in relation to their first contact with the police, and when victims felt that the police had taken them seriously and facilitated their access to additional support services.

### **Negative Experiences of the Police**

In contrast to these initial positive experiences of the police, most victims described a range of negative follow-up experiences with a number of common themes emerging. These overarching themes fit into three broad categories: police inaction, inappropriate police action, and victim care.

**Police inaction.** The first theme in relation to police inaction relates to the fact that 19 participants (54%) were advised at some point that what they were experiencing was not serious enough to constitute a criminal offence. For example, two women who were being harassed and stalked by their ex-partners were advised that unless they tried to break into the property, there was no action that the police could take:

A couple of times when I spoke to the police they said obviously, "Unless he's actually tried to physically get into the property... then obviously there's nothing we can really do, just not- note down every time he comes round". (I3, Female, Ex-partner)

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I've kind of learnt throughout the years, as well, it's all about evidence... I could ring up and say I- and plenty of times I did, call nine-nine-nine, and say, y'know, 'He's sitting outside my house.', and they used to say “Well, unless he's threatening to you, or knocking at your door, it's, y'know, it's a road, he's allowed to. He's allowed to sit outside”. (I15, Female, Ex-partner)

In both examples, the behaviour of the offender (loitering outside the property) appears to be causing alarm and distress to the victim and so according to the legislation, this fits the definition of stalking (PHA, section 2A). Similarly, two other women were advised that unless the offenders made specific threats, then no offences had occurred, despite both victims clearly articulating they were distressed.

It's not a threat. Until she makes a threat or names me again, or threatens she's going to do something, they've made it clear that there is nothing they can do. (I17, Female, Acquaintance)

Another woman, who reported to the police that her ex-partner had posted indecent images of her on Facebook, was advised that the images were not ‘indecent enough’, while a woman who had seven websites created about her, which contained personal and malicious content, was initially told:

“There's nothing we can do about these recurring websites. Um, you believe it's malicious, I believe that's just your feelings, and we're not here to deal with feelings. We deal in facts, not feelings”. So basically, “We're not going to do anything”. (I17, Female, Acquaintance)

The response to all these victims seems to have entirely dismissed the impact on them (alarm or distress) and therefore officers failed to identify that offences may have been committed. The advice most commonly given by the police in these situations was to keep on reporting and keep a log of any further incidents, however, as one female interview participant explained:

It's so disheartening, it's really disheartening...I just have to keep reporting stuff basically! (I15, Female, Ex-partner)

A further feature of police inaction related to evidence collection, with several participants commenting on the problem of evidence in proving their experience of harassment and stalking. For example, seven participants described how there were independent witnesses to incidents, or CCTV evidence, but this had not been collected.

There's been witnesses in my flat before, but they've been friends, relatives, other neighbours, and they've not been accepted as witnesses because they know me. (I5, Female, Neighbours)

He was waiting for me. Now, I got home and phoned the police straight away, and I said "Look, there's CCTV right outside that supermarket." Police never bothered to get the CCTV. (I14, Female, Ex-partner)

Because the original investigating officer...should have taken certain witness statements from individuals that supported things that had happened to me, particularly even from my father, he'd witnessed an incident and an altercation between me and my ex-partner on several times. And she basically refused to take statements from those individuals. So that evidence has never even been brought out. (I21, Female, Ex-partner)

A particular issue regarding evidence was raised in relation to social media, as one participant explained:

Basically they've told me, any contact that I receive through social media is irrelevant, because they can't prove that it's associated to them. Even though their daughter set up four different Facebook accounts, with her name just spelt in four different ways, with the same profile picture (I21, Female, Ex-partner)

Some of these responses appear inaccurate; the fact that a witness may be related to the victim does not mean they are not still a witness to the crime. Similarly, it is possible to track offenders through Facebook, however; as the wider HMICFRS (2017) report suggests, there are time and resources implications when investigating online abuse which some police forces do not have the capacity to deal with appropriately. Indeed, it was raised by some participants that they were conscious of the impact of reduced resources:

Because I think in a lot of respects, their hands are tied. There's so - so many cutbacks, they have to cover such a big area. (I4, Female, Local Children)

**Inappropriate police action and advice.** In addition to many victims describing negative experiences of the police in relation to their inaction, others described negative experiences due to the perceived inappropriateness of advice given or action taken. The first theme in this respect relates to a victim-blaming response whereby victims were made to feel responsible and advised they should change their behaviour. Several victims were advised to stop using social media to avoid the perpetrator. A female survey participant who was being harassed and stalked on Facebook by strangers described how unhappy she was with the initial response she received from the police:

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I filled in an online form. Then I received a dismissive and victim-blaming phone call at work that infuriated me. It was a female officer who said the following: "Have you closed your social media account?" I said no. She said "well you should. That's all we can do." That was it. The call was disconnected and that was that. I was not given a crime reference number. I was treated like I was the nuisance. (Survey Respondent, Female, Stranger)

Similarly, other women harassed via social media were advised:

"Have you thought about just not looking? Don't monitor it. Don't..." That was their answer initially, was "Don't look. If you don't look, you won't know it's there". (I17, Female, Acquaintance)

There was an awful lot of victim blaming. It wasn't her fault for sending abusive Facebook messages, it was my fault for being on Facebook...And the only way to stop these messages is if I deactivate my Facebook account, and come off social media. I didn't think that was very fair at all. (I16, Female, Friend)

In some cases, victims were advised to change their behaviour, or even consider moving house:

They only suggested that I close my blinds, and move my TV to another part of the room so that I couldn't see anybody going past the window when I was watching TV. And I says "That doesn't solve the problem. That- that's not an answer. That's making me even more of a prisoner and even more of a victim". (I5, Female, Neighbours)

He come- they come to me flat and says "Right. The best thing you can do is move." Hang on a minute, me move? I said "Are you sure? But if I move, what do you think people are going to think?" I'm not moving. See, I've been living here for years. (I13, Male, Neighbour)

Over half of all participants (18) explained that the offender had been issued with a Police Information Notice or PIN. This is a written notice that can be issued to someone the first time they are alleged to have caused harassment to a victim. The notice warns them that if they continue with their behaviour, they can be arrested for harassment as there would then be two incidents which constitutes a course of conduct. However, it became clear from participants that these notices were not being issued in accordance with guidance from the Association of Chief Police Officers (ACPO, 2009). For example, four interview participants stated the police had issued the offenders with a PIN after having first given them a verbal warning. For the offence of harassment to be proven, there must be just two occasions where



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a victim has been caused alarm or distress by the offender's behaviour (and the offender knew, or ought to have known this would be the case). However, interview participants described a clear course of conduct at the point the PIN was issued.

Um, they had another word with him then, and then the third time he was issued with a harassment order. But that was only because, it wasn't just me then, he started on my mum as well...And it got to the point that I actually, um, collapsed, ended up in hospital for mental stress. For mental exhaustion, and it happened then, they did give him a harassment order. (I11, Female, Ex-partner)

One woman described how she had been suffering harassment from an ex-friend for over a year. The police had warned the offender on two occasions, and it was only after 13 months of abuse that a PIN was issued. It was also clear that even when a PIN had been issued, this did not necessarily stop the unwanted contact. Of the 18 (51%) participants who suggested the offenders had been issued with a PIN, the contact only stopped in six (33.3%) of these cases:

They come out and they took a statement from me, what had gone on, and I showed them all the e-mails and the text messages and everything else. And they went and gave him a harassment warning... To see if it'd sort of make him back off. Well, it didn't, it still continued, the e-mails, the text messages, trying to contact me through social media (I14, Female, Ex-partner).

The final theme to emerge from interview participants who described a negative experience of police action, concerned counter-allegations and how this caused serious distress to victims who were made to feel as though they were also offenders, or that this was just a 'tit for tat' situation. In total, nine interview participants (43%) described at least one incident where the offenders had made counter-allegations against them. For one woman who had suffered years of coercive control from her partner, when the relationship finished, her partner reported her for harassment and stalking.

These two policemen turned up on my doorstep... one was a woman, and she came in, all hurly-burly, and she said "Sit down." and, she said "Do you know why we're here?" And I went "No." And she went..."Well, he's made an accusation of harassment and that he is very distressed by your behaviour towards him.".. So, I think I started crying, - so I was saying "No no, no no no." And all the time my heart was in my mouth, because I've got two police officers here, and I'm thinking "Oh my God". (I20, Female, Ex-partner)

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So she was- because she was making these false accusations back, they were treating it as a bit of tit for tat type of situation. Rather than us being the victim and her being the perpetrator, it was sort of like local women fighting going on... she would make claims back with no evidence whatsoever. And it was treated as a “Well, she said that you're sending her messages”. Well, I'm not. Ask her to prove it. (I16, Female, Friend)

However, not only were counter-allegations made, but in this research, three victims were arrested by the police following accusations by the offender. In all three cases the victims were later released without charge. As one woman explains:

I mean, the day they delivered the verdict to me, um, to tell me that they weren't going to press charges for him raping me, 20 minutes later, the officer...turned up at my house and arrested me and took me in for questioning under caution, because he'd made a counter-allegation against me, and I had to go to the police station with my father, in an absolute state, and was interviewed for two hours for counter-allegations that he made, which obviously all charges were dropped, because they were just complete nonsense... and then they kind of wondered why we lost faith. (I21, Female, Ex-partner)

**Victim care.** The first theme in relation to victim care concerns whether the victim received regular contact from the police. In contrast to victims who described being kept updated with the progress of their case, ten participants (29%) stated they were not kept informed, even when significant action had been taken.

They didn't even tell me, but then two days later they said “Oh, we've arrested him, we've got him locked up”. (I4, Female, Local Children)

In his plea hearing, which I didn't find out about. The police never told me about that...and that night he was waiting at the end of the road, because me and me little girl drove past, so I just sort of drove into the street as quick as I could, opened the garage door, and just whipped the car into the garage as quick as I could. (I14, Female, Ex-partner)

One woman had a particularly negative experience because her local police service was undergoing several boundary changes, which resulted in her case being passed between several officers:

Then we had an issue in that because they were rearranging boundaries within the police force at that time, within that particular force, so people were getting moved into different departments and different areas. So I went through quite a few

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more months of it being passed to one officer, then they'd contact me and say "Look, I'm going to be taking it over, I'll be in touch with you"... I'd then not hear from them...I'd contact and I'd get somebody else back saying "Sorry they've- they've had to move. They were given the case, but they've been now moved. It is going to be deployed to somebody else, we'll be in touch when it is." And this continued for about three or four officers. (I17, Female, Acquaintance)

Despite nearly half of all participants describing that they were referred for specialist support (and describing this as a positive aspect of police intervention), eight participants (23%) explained that they found support services themselves, or were only referred after additional incidents had been reported:

I'd never been offered any services, advice, or just, someone to just say, y'know, "I'm- I'm a safe person to talk to". (I7, Female, Ex-partner)

When I went to the police, they never signposted me to anybody... I used my initiative and went on the internet and found all that. (I10, Female, Ex-partner)

The importance of referring victims of domestic violence for support has long been recognised (Hester & Westmarland, 2005), with research suggesting that independent support can have a positive impact on the likelihood of a successful prosecution (BLINDED, 2015). It is therefore vital that the police are aware of local support services, and crucially, that such services are adequately funded. However, when attempting to recruit participants for this research, it became clear how few local services there are specifically for victims of harassment and stalking, and so it must be acknowledged that existing services may not have the capacity or expertise to adequately support victims of these particular crimes.

In contrast to victims who felt they were taken seriously by the police – particularly during their first contact - several participants described police responses which suggested they simply did not understand the impact of harassment and stalking and therefore did not take them seriously:

I don't think anybody has actually acknowledged the harm it has caused me and is causing me to date, because it's not physical harm...I did feel it was very much a case of "This isn't serious"...It was said to me a few times, y'know "we do have, obviously, more pressing crimes and things going on, you're not in immediate danger". (I17, Female, Acquaintance)

I've been very much made to feel that I'm a bit of an inconvenience, and that I am just wasting their time. (I21, Female, Ex-partner)

After my experience I personally felt like I should never have opened my mouth. I don't feel I was taken seriously or my concerns and this resulted in me being attacked even after a restraining order was put into place. Even after contacting the police about being attacked once again I felt as though I wasn't taken seriously.

(Survey Respondent, Female, Ex-partner)

It was even suggested to some victims that they were over-reacting:

I've had several police officers in the house tell me that I'm paranoid and that I'm going crazy, and, y'know, I just need to get on with my life, and stop worrying about all of this, and stop being frightened to go out the door, and just get on with life. And I'm like "It's not that simple". (I21, Female, Ex-partner)

I actually got made to feel a drama queen about it all. And that it was my fault, and that, um, because of the family history, and that um, I was making a mega fuss, basically. (I18, Female, Friend and Neighbour)

### **Discussion**

This is the first qualitative study with victims of harassment and stalking in England and Wales following the criminalisation of stalking in 2012. Our findings both align with previous research, and provide new insights. This research suggests that although many victims reported a positive initial contact with the police, particularly when they felt they were taken seriously and referred for additional support, the data suggest that the police response was inconsistent, and the majority of participants reported dissatisfaction with some aspect of how their case was handled.

A number of findings from this study correspond to previous research in the field. The fact that many victims were told that there was no action the police could take is a common theme in the literature (Korkodeilou, 2014; Melton, 2005; Morris et al., 2002; van der Aa & Groenen, 2010). Similarly, the issues of evidence collection and not keeping victims informed have emerged in previous research (van der Aa & Groenen, 2010), as have victim-blaming responses (Brewster 2001; Korkodeilou, 2014; Melton, 2005; van der Aa & Groenen, 2010). Regarding the inappropriate use of Police Information Notices, research in other countries has identified that police officers are likely to avoid formal criminal justice sanctions in the case of stalking, seeking alternative disposal routes (Baldry, Cinquegrna, Cacace & Crapolicchio, 2016; van der Aa & Groenen, 2010), or pursuing lesser charges that are easier to prove (Brady et al., 2017). In respect of victim care, the findings of this research again reflect existing evidence, with victims describing a lack of understanding from police

officers and a sense they were not being taken seriously (Galeazzi et al., 2009; Korkodeilou, 2014; Melton 2005; van der Aa & Groenen, 2010).

A novel finding from this study is the identification of a previously under-explored aspect of the police response to victims of harassment and stalking with respect to counter-allegations. While there is some evidence that stalkers may use the legal system to further harass and intimidate their victims – for example, by reporting the victim to the police (Pathé, Mackenzie & Mullen, 2004) – there is limited qualitative evidence of the impact this has on victims. This research contributes to the accounts of victims who cite the use of counter-allegations by their stalker, identifying three victims who were subsequently arrested by the police. This is an original contribution to the existing literature. Further research is required to understand the potential consequences for victims.

It is important to place victims' negative experiences of reporting harassment and stalking to the police in context. The last qualitative study with victims of stalking in England and Wales was conducted prior to the change in legislation in 2012 (Korkodeilou, 2014). The fact that victims in this research have described the same responses as they did before the Protection of Freedoms Act (2012), suggests legislative reform has not been effective. In seeking to understand why this may be the case, this article suggests there are three key factors that need to be addressed. The first relates to the nature of harassment and stalking. The defining characteristic of both offences is the emotional impact of the offender's behaviour on the victim, namely, whether they have suffered fear, alarm or distress. This makes these offences different than most other crimes the police deal with – the most similar crime being the recently introduced offence of coercive control by the Serious Crime Act 2015. It is usually the behaviour of the offender that determines whether an offence has occurred – regardless of the emotional impact of that behaviour on the victim. This issue can be seen in the accounts of participants who were advised that unless offenders had made threats or tried to break into their property, then no offences had been committed – despite victims being alarmed and distressed by the offenders' behaviour. Furthermore, these crimes require a course of conduct, a relatively new concept to the criminal justice system. A recent study by Robinson, Myhill & Wire (2017) concluded that the incident-based nature of policing can result in officers missing 'patterns of abuse that do not fit into traditional crime categories' (Robinson et al., 2017, p.16). Similarly, Tolmie (2018) questions the ability of the adversarial CJS to respond to offences such as coercive control or stalking – arguing that the system is designed to deal with incidents in isolation. As a result, policing harassment and stalking (and by extension coercive control) may require a different approach which

enables officers to build a picture of the abuse that starts with the emotional impact on the victim. This will require consideration by policy makers across the CJS as to how victim impact can be meaningfully represented in court.

The second key factor that needs to be addressed if the policing of harassment and stalking is to improve is the current legislative framework. This is the first UK study to speak to victims who defined their experiences as harassment and/or stalking, because it is the first to be conducted following the change in legislation in 2012. Prior to this, stalking was considered part of harassment, but it is now a separate criminal offence. However, there is no clear distinction between the two offences, as neither is explicitly defined. As a result, victims in this research described behaviours that could fit the legal definition of stalking, yet only one victim described the offender being arrested for stalking (and later convicted of harassment). This mirrors the conclusions of the Criminal Justice Joint Inspectorate report (HMICFRS, 2017) which found that police officers were unclear as to how stalking offences differed from harassment, resulting in an under-recording of stalking. Given the broad consensus achieved in the research literature regarding a behavioural definition of stalking (Senkans, McEwan & Ogloff, 2017), it would seem appropriate for legislators to consider this work to help form a definition of stalking that can be applied in law.

The third key factor relates to the fact that changing legislation does not change police practice or their understanding of the issue of stalking. It was in response to criticisms of how the police (and the wider CJS) were interpreting the PHA (1997) that led the UK Government to introduce stalking legislation in 2012. Yet it is still the case that police officers do not necessarily receive adequate training in relation to harassment and stalking. The HMICFRS (2017) report expressed concern that most police forces were relying on outdated national guidance for officers, alongside a generic online training course; whereas other police forces had developed their own policies and acquired external funding to deliver face-to-face training with specialists. By failing to effectively train the police service with regard to what stalking is, and the fact that it is the emotional impact on the victim, in combination with the behaviour of the offender, that determines whether an offence has been committed, then it is not surprising that victims are still being advised that sitting outside someone's house is not a criminal offence (despite the fact that if it is causing them alarm or distress, then it may well be). Similarly, by failing to take the time to speak to victims and understand the impact and context of the situation, police officers are unlikely to identify potential risks. This is particularly concerning in cases of domestic violence, where research has identified that people who are stalked by an ex-partner are at greater risk of harm (McEwan et al. 2017;

Sheridan & Davies, 2001). We suggest that police officers be required to attend an intensive training programme, delivered by specialists in the field, in order to appreciate the potential impact on victims and the consequences of police inaction.

### **Limitations**

The participants for this study represent a hard to reach population. Consequently, participants were recruited on a voluntary basis and, therefore, represent a self-selecting rather than representative sample of individuals who have experienced harassment and stalking (Beckett, Warrington, Ackerley & Allnock, 2015). The initial email to support services explained that there were funds for interpreters should there be victims whose first language was not English, or someone who required a signer; however, no participants with these needs were identified or requested to participate in the study. Therefore, while the findings of this research can help to highlight some of the issues experienced by those who contact the police for assistance, they should not be considered representative of the diverse communities across England and Wales who experience harassment and stalking. Moreover, the fact that demographic information (beyond gender) was not collected, means that we cannot identify potential differences in the police response according to ethnicity, marital status, disability or sexuality. Furthermore, the accounts presented in this article are from the victim's perspective and their understanding of the actions and responses of the police. Nonetheless, their accounts are important in providing suggestions for how the police and wider CJS can improve their handling of these crimes.

### **Conclusion**

While the 2012 Protection of Freedoms Act was intended to afford greater protection to victims of stalking, paradoxically, it appears to have created even further ambiguity within the criminal justice system. Unless the legislative framework in England and Wales is amended to clarify the distinction between harassment and stalking, and unless the CJS receives specialist training on the nature and impact of stalking, then victims will continue to be denied the appropriate level of justice.

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