

**POLICE RESPONSES TO STALKING**

by

**HAROLD JAMES GEISTMAN JR.**

**THESIS**

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

**MASTER OF SCIENCE**

2003

MAJOR: CRIMINAL JUSTICE

Approved by:

---

Advisor

Date

## DEDICATION

I dedicate this thesis to my wife, Ann Garcia, without whose love, guidance, and friendship it could never have been completed.

## ACKNOWLEDGMENTS

This thesis could not have been completed in such a timely manner without the constant help, encouragement, and constructive criticism of the chair of my thesis committee, Dr. Brad Smith. His patience and willingness to read numerous drafts and answer an endless barrage of questions not only served to put my mind at ease, but it made the process of writing and revising the thesis an enjoyable one. For all this, I owe him a debt of gratitude.

Dr. Marvin Zalman has been a constant source of inspiration during my time at Wayne State. As chair of the department, he made me feel not only welcome but accepted, and he has always had time to discuss with me my interests and ideas. As a member of my thesis committee, he committed a great deal of time to close reading and insightful commentary of the drafts he read. His advice and encouragement are greatly appreciated, and I value him as a friend and mentor.

Dr. Arlene Weisz, the third member of my thesis committee, offered valuable insight and ideas throughout the writing process. She brought with her a wide knowledge of the subject, and many of her ideas and suggestions helped clarify for me the direction in which to take the thesis. For this, I am grateful to her.

At Saginaw Valley State University, Dr. Clifford Dorne played an instrumental role in helping me get into a graduate program; in fact, it was he who suggested I consider going to Wayne State. Cliff's encouragement and confidence in me helped push me along during my year at Wayne, and I look forward to working with him in the years to come.

Dr. Donald Bachand, Dean of the College of Arts and Behavioral Science at SVSU, was also instrumental in my pursuit of the Master's degree. He supported the leave of absence I took, and he has helped me in numerous ways over the years. I am privileged to work under his tutelage.

Marianka Holloway, Administrative Services Officer for the Department of Criminal Justice at Wayne State, helped me in so many ways that I can not begin to mention them. She consistently went out of her way to help answer questions and to make my time at Wayne State enjoyable. There is no way I can thank her for all of her help.

LaSondra Dawn, secretary in the Department of Criminal Justice, also helped me in numerous ways. Her constant cheerfulness and kind manner made each day easier. In addition, she was one of the best students I had during my time teaching at Wayne State. Thank you, LaSondra, for just being you.

Saun Strobel, Technical Publications Secretary at SVSU, prepared the thesis for publication in an incredibly effective and efficient manner. Her editing skills and sound advice made the final stages of the thesis preparation easy. She always had time to help and calm me down when I was jittery. For her professionalism and kindness, I thank her.

I'd also like to thank my mother, father, and sister. Although she passed away in 1993, my mother has remained in my heart as an inspiration and a guide, and there is much of her in the thesis, as there is in all that I do. My father and sister have always been two of my strongest supporters, and they have no idea how much that means to me. I love and thank you all.

Finally, I'd like to thank my stepdaughters Fran and Elena. Just knowing you're there makes things better. I love you.

## TABLE OF CONTENTS

Dedication .....	ii
Acknowledgments .....	iii
List of Tables .....	vi
Literature Review .....	4
Method .....	28
Results .....	36
Discussion .....	43
Appendix A .....	54
Appendix B .....	61
Appendix C .....	63
References .....	66
Abstract .....	71
Autobiographical Statement .....	73

## LIST OF TABLES

Table 1. <i>Demographic Information: Questionnaire Respondents from the Saginaw City Policy and Saginaw Township Police</i> . . . . .	30
Table 2. <i>Description of Questionnaire Items and Their Measurement</i> . . . . .	32
Table 3. <i>Police Attitudes Toward Stalking</i> . . . . .	37
Table 4. <i>Incidents that Influence How Police Deal with Stalking</i> . . . . .	38
Table 5. <i>Number of Stalking Reports Taken Per Month and Average Arrests for Stalking Per Year</i> . . . . .	39
Table 6. <i>Factors Leading Police Officers and Detectives to Investigate Beyond an Initial Stalking Report</i> . . . . .	40
Table 7. <i>Ranking of Seriousness of Incidents from Least Serious to Most Serious</i> . . . . .	41
Table 8. <i>Ranking of Dangerousness of Stalkers from Least Dangerous to Most Dangerous</i> . . . . .	42

## POLICE RESPONSES TO STALKING

In 1986, Robert Bardo of Tucson saw the television show *My Sister Sam*, which starred nineteen-year-old Rebecca Schaefer. Bardo found himself attracted to Schaefer, and he soon began writing her fan letters. When he received a picture that Schaefer had autographed accompanied by a handwritten note, Bardo was convinced that Schaefer shared his attraction. Although he visited Los Angeles in an attempt to meet Schaefer, he was not able to. However, he continued to write her letters. Two years later, Bardo saw the film *Scenes from the Class Struggle in Beverly Hills*. During this film, in which she had a minor role, Rebecca Schaefer's character goes to bed with a male character. This angered Bardo, and that anger revealed itself as the letters he regularly sent to Schaefer became more threatening. He hired a private detective to find out Schaefer's private address in Los Angeles, and he went there, armed with a pistol in order to "stop [her] from forsaking her innocent childlike image for that of an adult fornicating screen whore" (Saunders, 1998, p. 27). He visited Schaefer at her home, and, after she asked him to leave he did; however, he merely walked down the block a short distance, put a bullet in the gun, and returned to her door. When Schaefer answered the door, Bardo pushed his way in and shot her in the chest (Saunders, 1998).

Rebecca Schaefer's murder by Robert Bardo and actress Theresa Saldana's stabbing<sup>1</sup> by Arthur Jackson were the two celebrated cases that led the California legislature to pass the nation's first anti-stalking law in 1990. It took effect on January 1, 1991 (Saunders, 1998). Other celebrities have also been stalked by strangers, including David Letterman and Madonna. Thus, the subject of stalking was first brought to the attention of the public as what may be called a "celebrated case." In his book *Sense and Nonsense about Crime and Drugs*, Samuel Walker (2001), argues that such "celebrated cases have an enormous impact

on public perceptions about criminal justice. People mistakenly assume that they are typical of all cases" (p. 29).

Consequently, the American public understood stalking as a crime that happened only to celebrities (Bjerregard, 2000; Emerson, Ferris, & Gardner, 1998; Melton, 2000; Palarea, Zona, Lane, & Langhirichsen-Rohling, 1999). The celebrated case is one which comes to us by way of the media, so when newspapers, magazines, and television shows covered stalking, they described it as "the behaviour [sic] of the unwanted followers of the famous" (Mullen, Pathe, & Purcell, 2000, p. 11). As a result, members of the public tended to think of stalking as something that would not touch their lives, so they tended not to take it seriously (Melton, 2000). However, as Walker (2001) contends, such media coverage of celebrated cases gives the public the wrong impression. Stalking is seldom a matter of a deranged stranger stalking a celebrity; in reality, the perpetrators and victims in stalking cases are seldom strangers (Palarea et al., 1999). In their landmark study, Tjaden and Thoennes (1998) found that 62% of stalkers were not only known to their victims; they were, in fact, former intimate partners, such as husbands or ex-boyfriends, and, in the case of boyfriends, they had lived with their victims for a period of time. Furthermore, over one million women and over 370,000 men are stalked annually in the United States. Although it has only recently been brought to the public's attention, stalking consists of a series of actions that in certain contexts may be seen as harmless, or, at worst, over-zealous romantic pursuit (De Becker, 1997; Emerson et al., 1998; Sheridan, Davies, & Boon, 2001b).

In reality, there is a fine line between romantic pursuit and pursuit for the sake of control and/or revenge, and many stalkers become expert at straddling this line. They are able to simultaneously terrorize their victims, all the while maintaining that their behavior is within the bounds of law. Far too often, however, their behavior has stepped over the line and led to actions that fall outside of the bounds of law. By this time, unfortunately, it is



often too late and the stalker has done harm to his victim. It is this combination of psychological manipulation—which allows a stalker to control the life of his victim—and the propensity for violence that demands that we recognize the deleterious effects of stalking and treat it as the serious social problem it is. Methods should be developed to combat stalking before more victims sacrifice their freedom, their autonomy, and their lives.

This thesis reports on research that focuses on the police response to what is commonly known as the intimate partner stalker and his victim.<sup>2</sup> Since the police are most often the first agency a stalking victim contacts for help, it is important that we have some idea of how the police respond to reports of stalking, i.e., how do they decide if a report of stalking is accurate? If they feel that the report is valid, how do they decide what to do next? Before discussing the research, however, a literature review is presented. This review discusses the issues in stalking that inform the research. Following the literature review, the research method is discussed, followed by a presentation and analysis of the research data. This is followed by a discussion of its significance. A discussion of policy implications comes at the end of the thesis.

## **Literature Review**

Intimate-partner stalking often begins in a domestic situation, and the stalker is often an ex-husband or a husband from whom the victim is separated, or he is a former live-in boyfriend. Often, the domestic situation was violent (Melton, 2000), and many times this is the reason for the separation. The stalker is attempting to get the victim back and, failing that, to punish her for leaving him. In the literature review, I will respond to the following questions: How do we define stalking? Who are the stalkers and their victims? What is the connection between domestic violence and stalking? How prevalent is stalking? What are characteristics of the stalking event? What is the law enforcement response to stalking?

### **How Do We Define Stalking?**

One reason that stalking is such a difficult problem for social scientists and police to grapple with is that it is difficult to define, even though various definitions have been attempted over the years. Kropp, Hart, and Lyon (2002) point to the discrepancy among the different definitions that were used in studies they examined. For instance, in an Australian study, respondents were asked if they had “experienced stalking-type behaviors (e.g., loitering, following, communicating) on at least two occasions” (p. 592). In a British study, stalking was defined as “persistent and unwanted attention” (p. 593). In Tjaden and Thoennes’ (1998) American study, stalking was defined as “a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal, written or implied threats, or a combination thereof, that would cause a reasonable person fear” (p. 2). It is easy to see that this definition is much narrower and more specific than those given in the Australian and British studies, and that it adds more criteria, especially criteria that suggest danger. Kropp et al. (2000) concluded that a

more consistent definition is needed if researchers are to generalize effectively from stalking studies performed throughout the world.

These three definitions are not the only ones found in the literature, however. Let us examine and compare others:

“‘Stalking behavior’ is defined as one or more of a constellation of behaviors that (a) are directed repeatedly toward a specific individual (the ‘target’), (b) are experienced by the target as unwelcome and intrusive, and (c) are reported to trigger fear or concern in the target” (Westrup, Fremouw, Thomson, & Lewis, 1999, p. 276).

“Stalking is ‘the willful, malicious, and repeated following and harassing of another person that threatens his or her safety’” (Meloy, 1998, p. 2).

“Section 646.9 of the California Penal Code defines stalking as the wilful [sic], malicious, and repeated following or harassing of another person, which includes a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family” (Palarea et al., 1999, p. 270).

“Pathe & Mullen . . . defined stalking as ‘a constellation of behaviours [sic] in which one individual inflicts on another repeated unwanted intrusions and communications’” (Mullen et al., 2000, p. 7).

Meloy (1998) contends that stalking definitions have three elements to them. (1) There is a pattern of unwanted, intrusive behavior; (2) such behavior carries with it an implicit or explicit threat; and (3) the person who is threatened feels fear. One other criterion that might be added is what Westrup and Mullen and Pathe refer to as a “constellation of behaviors.” Such behavior includes following, harassing, intruding, threatening, and communicating with the victim against his/her will. Stalking, then, is unlike other crimes in that it does not consist of a *single* act, as do, for example, rape and murder. Instead, it is a compilation of acts that have the sole purpose of controlling the life of the victim. Because

stalking consists of a multiplicity of acts, it may be hard to identify and distinguish from other behavior.

An attempt to arrive at a comprehensive definition of stalking was made in 1993 by the National Criminal Justice Association, in their publication entitled *Project to Develop a Model Antistalking Code for the States*. This is their definition:

*Section 1. For purposes of this code:*

(a) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person;

(b) "Repeatedly" means on two or more occasions; and

(c) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.

*Section 2. Any person who:*

(a) purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or herself or a member of his or her immediate family or to fear the death of himself or herself or a member of his or her immediate family;

(b) has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to himself or herself or a member of his or her immediate family or will be placed in reasonable fear of the death of himself or herself or a member of his or her immediate family; and

(c) whose acts induce fear in the specific person of bodily injury to himself or herself or a member of his or her immediate family or induce fear in the specific person of the death of himself or herself or a member of his or her immediate family; is guilty of stalking (pp. 43-44).

A comparison of this definition with those above reveals that it captures the major elements stressed in each one. However, while many of them focus on specific actions (i.e., following, harassing, intruding, and communicating), the Model is not quite as specific. The rationale behind this is that "some courts have ruled that if a statute includes a specific list, the list is exclusive. The Model code, therefore, does not list specifically proscribed acts, because ingenuity on the part of an alleged stalker should not permit him to skirt the law"

(National Criminal Justice Association, 1993, p. 44). For the purposes of this thesis, the definition of stalking found in the *Model Antistalking Code* will be used.

### **Who are the Stalkers and Their Victims?**

Early media reports on stalking, upon which much of the public's view of stalking was based, suggested that the stalker was a dangerous stranger who suddenly appeared in a woman's life and attempted to control her and claim her for his own. Failing that, he killed her. In his book *Every Breath You Take*, Kamir (2001), contends that this portrayal of the stalker touched a nerve deep within us: "The fear of stalking, on both the personal and the collective level, has been expressed through and developed by powerful literary images, it is inseparable from stories told of mythological characters, legendary entities, literary protagonists, and film personae" (p. 2). Stalkers, however, are quite real. De Becker (1999) tells us, "[Stalkers are] not from Mars—they are from Miami and Boston, San Diego and Brentwood. They are the man our sister dated, the man our company hired, the man our friend married" (p. 204). In other words, stalkers are quite common, and they can be any man (or woman) with whom the victim has daily contact. As a way of arriving at some sense of who stalkers are, researchers have developed typologies of stalkers. In one of the earlier studies of stalkers, Zona, Palarea, and Lane (1998) suggested that stalkers may be divided into three types: "the *simple obsessional*, *love obsessional*, and *erotomanic groups*" (p. 78). The simple obsessional group may be further subdivided into intimate stalker and non-intimate stalker groups.

The intimate stalker and his victim have been partners in marriage or cohabitation. In many cases, stalking grows out of a domestic violence situation that the woman has attempted to leave or has left. The non-intimate stalker and his victim usually have had a dating, working, or professional relationship. Non-intimate stalkers are sometimes slightly delusional. In such a case, the man is far more in love with the woman than she is with

him. When the woman tells the man she has no romantic feelings for him, he is often angered and will begin stalking her, either to win her love or to exact revenge for the pain her rejection has caused. It is not uncommon for these stalkers to be delusional in other areas of their lives (Melton, 2000) and have other psychological problems that exacerbate the stalking behavior (Zona, Palarea, & Lane, 1998). Simple obsessional stalkers—whether intimate or non-intimate—are also known as *domestic stalkers* (Melton, 2000); *persecutory stalkers* (Kropp et al., 2002—from Harmon et al., 1995); *grudge stalkers* (Kropp et al., 2002); *rejected stalkers* and *resentful stalkers* (Mullen et al., 1999; Mullen et al., 2000); *intimacy seeking stalkers* and *incompetent stalkers* (although incompetent stalkers may sometimes fall into the love obsessional category as well) (Mullen et al., 2000). The simple obsessional stalker, especially the intimate type, is the most dangerous of the three, is more likely to act on threats of violence, and he is the one on whom this essay focuses.

Simple obsessional stalkers tend to make up the largest percentage of stalkers (Mullen et al., 1999; Wattendorf, 2000). Tjaden and Thoennes (1998) found that “thirty-eight percent of female stalking victims were stalked by current or former husbands, 10 percent by current or former cohabitating partners, and 14 percent by current or former dates or boyfriends” (p. 6). In addition, 19% reported stalking by an acquaintance. Similarly, Palarea et al. (1999) cite the 1995 study of Harmon et al. that found that 71% of stalkers had had a prior relationship with their victim: “13% had personal or romantic relationships, 25% had professional relationships, 25% had employment relationships, and 8% were acquaintances” (Palarea et al., 1999, p. 271). In her study of stalkers and their victims, Bjerregard (2000) found 3.3% of the stalkers were ex-spouses, 38.5% were ex-boyfriends, 9% were friends, 8.2% were personal acquaintances, 1.6% were business acquaintances, and 9.8% were mere acquaintances with whom the victim had no previous relationship. Brewster (2002) reports that up to 75% of stalking victims knew the stalker and that 29%

had been involved in an intimate relationship. If we compare totals from the studies, we see that Tjaden and Thoennes (1998) found that 81% of the victims were stalked by someone they knew; Harmon et al. (in Palarea et al., 1999) found 70.4%; Bjerregard (2000) found 71%; and Brewster (2002) found 75%.

The other two categories—the love obsessional and the erotomaniac—are non-intimate stalkers, and they make up a smaller percentage of all stalkers. The love obsessional stalker has had no prior relationship with his victim (Kropp et al., 2002; Zona et al., 1998). Robert Bardo, who murdered Rebecca Schaeffer, might be seen as a love obsessional stalker. Such a stalker is often disturbed psychologically as a result of bipolar disorder or schizophrenia, and he may also be inept socially and have had few if any prior relationships with women (Mullen et al., 2000; Zona et al., 1998). Kropp et al. (2002) contend that such stalkers “often demonstrate severe distorted thinking, isolation and inadequacy, but they do not tend to show symptoms of major mental illnesses such as psychosis or mood disorder” (p. 608). Zona et al. (1998) suggest that while such stalkers often engage in bizarre and alarming behavior as a result of their psychological problems, they are not as dangerous as simple obsessional stalkers. Although erotomanics may be the most interesting psychologically of the three types listed, we will take little time discussing them for two reasons: (1) they are seldom as dangerous as are the other types and, (2) they are more often women than men. Zona et al. (1998) suggest that such stalkers are often young women who become infatuated with an older man who is in a higher socioeconomic class.

Researchers have suggested a similarity in the demographic<sup>3</sup> characteristics possessed by male stalkers. The first is age. Bjerregard (2000), Kropp et al. (2002), and Meloy (1998) suggest that the stalker is older than most offenders, usually in his thirties. Second, the average stalker tends to have more formal education than other criminals (Kropp et al., 2002; Meloy, 1998), often having finished high school (Bjerregard, 2000). Meloy (1998)

suggests that this may account for the ways in which he can manipulate and control his victim. Also, at the time of the stalking, most stalkers are either not employed or only employed part time (Kropp et al., 2002; Meloy, 1998). This certainly accounts for why stalkers can devote so much time to their victims. Sheridan, Davies, and Boon (2001b), in their study of British stalkers, found that the employment rate of two types of stalkers—the professional and the semi-skilled—fell slightly during the stalking event. Twenty-five (26%) of the stalkers were employed in professional occupations at the time the stalking event began but only 21 (22%) of them held the same occupation at the time they filled out the questionnaire for the researchers. Similarly, 12 (13%) stalkers were in semi-skilled positions at the time the stalking event began but only nine (10%) were in these positions when they were surveyed. The numbers of unemployed stalkers went up from 22 (23%) to 26 (27%) during the stalking event. While these numbers tend to support the numbers from American studies, it can also be argued, as Sheridan et al. (2001a) do, that we do not see a *significant decrease*; stalking may not have a strong negative effect on stalkers.

Another trait many stalkers have in common is a history of trouble with the law (Kropp et al., 2002; Meloy, 1998) as well as a history of violence and drug and alcohol abuse (Brewster, 2002; Mullen et al., 1999). Stalkers also tend to have a history of failed relationships (Bjerregard, 2000; Kropp et al., 2002; Meloy, 1998; Mullen et al., 1999; Mullen et al., 2000), and, as mentioned above, may very well suffer from some sort of psychological disorder. Kropp et al. (2002) feel that such knowledge of stalkers may prove helpful in predicting and preventing further stalking.

As this discussion of the typology of stalkers makes evident, it is difficult to define a “pure” type of stalker. Again, the constellation of behavior makes it impossible to construct these categories so as to be mutually exclusive (Kropp et al., 2000). Mullen et al. (2000) comment on this difficulty: “If you begin with the behaviours [sic] that constitute stalking,



you reveal a varied and rich tapestry of intentions, motivations and forms of relatedness that frustrates attempts to restrict stalking and stalkers to any single context or overarching theory of causation" (p. 23). One thing that does seem safe to say, however, is that, with the exception of the erotomaniac stalker, the majority of stalkers are males who have had some prior relationship, intimate or otherwise, with their victims. Let us now examine who their victims are.

The victims of stalking are predominately women who have had some prior relationship, intimate or otherwise, with their stalkers (Brewster, 2002; Kropp et al., 2002; Melton, 2000; Mullen et al., 1999; Mullen et al., 2000; Palarea et al., 1999; Tjaden & Thoennes, 1998a; Tjaden & Thoennes, 2000b; Sheridan et al., 2001b). Often, the stalking had its origin in a domestic abuse situation (Melton, 2000; Tjaden & Thoennes, 1998; Tjaden & Thoennes, 2000; Walker & Meloy, 1998). Victims tend to share demographic characteristics as well. Like their stalkers, victims tend to be somewhat older than the average crime victim. Hall (1998) found that the average age was 35 years. Mullen et al. (2000) tended to agree, finding that the majority of those in their study were between 35-39. Tjaden and Thoennes' (1998) findings differed somewhat. They found that slightly over half of the victims they surveyed were between 18-29; however, they also found that 22% of those stalked were between 30-39. Despite these differences, it seems obvious that the victims are roughly the same age as their stalkers. As far as education is concerned, Hall (1998) found that the majority of her respondents had at least some college education, while 16% possessed graduate degrees. Mustaine and Tewksbury (1999), in their study of stalking on nine university campuses, found that women who were full-time students were more likely to be stalked than those who were not. These findings suggest that women victims may be better educated than are their stalkers.

### **What is the Connection between Domestic Violence and Stalking?**

As has been noted, numerous studies contend that domestic violence and stalking are strongly correlated (Melton, 2000; Mullen et al., 2000; Tjaden & Thoennes, 1998; Walker & Meloy, 1998). Because former male intimates are often unable to recognize or to agree that the former domestic relationship is over, they continue their abusive behavior and attempt to continue control of the woman leaving the domestic relationship. Walker and Meloy (1998) describe domestic violence in terms of control: "Domestic violence has been conceptualized as an abuser's attempt to use physical, sexual, or psychological force to take away a woman's power and control over her life. Perhaps the most successful method . . . is the systematic isolation of the woman from family, friends, and other community support systems" (p. 140). After a breakup, former husbands or boyfriends will often try to maintain the control they had in the household by stalking their former partner, and the control is not merely psychological; it is often physical as well. Tjaden and Thoennes (1998) examined data from the National Violence Against Women Survey, which was conducted between November of 1995 and May of 1996. The sample consisted of 8,000 men and 8,000 women who were surveyed about their experiences with stalking. The authors found that 81% of female stalking victims had been physically assaulted by ex-husbands or boyfriends, while 31% of female stalking victims had been sexually assaulted by intimate partners. In their study of intimate partner femicide, McFarlane et al. (1999) evaluated "one hundred forty-one femicide and 65 attempted femicide incidents" (p. 300) and found "that 76% of femicide and 85% of attempted femicide victims had experienced stalking [by ex-husbands or boyfriends] within 12 months of their actual or attempted murder" (p. 311). The authors cite a study by Felder and Victor (1997) that found that battered women—those who received physical abuse in a domestic setting—were "between 29% and 54% of female murder victims (i.e., femicides)" (McFarlane et al., 1999, p. 303). Clearly, stalking is a crime

that often has deleterious effects on its victims, and it has come to be seen over time as a social phenomenon in need of greater attention.

How did stalking evolve into a phenomenon studied by social scientists and law enforcement professionals? Originally, stalking was presented as an extension of domestic violence in order to extend legal protection to women who had left a violent domestic relationship, and early anti-stalking legislation reflected this. While stalking may have its roots in domestic violence (Brewster, 2002), researchers came to see that stalking was not merely an adjunct of domestic violence; instead, it was a multi-dimensional social phenomenon that, because of its propensity for inter-personal terrorism and danger, demanded separate attention. Another belief held in the early examination of stalking was that stalkers were most often loners who were strangers to the women they stalked, and stalkers were characterized almost exclusively as men with psychological problems. In fact, the “average” domestic batterer was not viewed as someone who would stalk his partner if she would leave him. Further research revealed, however, that while a certain percentage of stalkers were loners with psychological problems, a higher percentage were intimate partners, either husband, ex-husbands, boyfriends, or ex-boyfriends. Research further revealed that this type of stalker was intent on carrying on his physical and psychological reign of terror outside of the domestic relationship. The final step that would establish stalking as “something taken for granted as a natural area of concern by the general community” (Mullen et al., 2000, p. 24) was the insistence that the problem be dealt with by social agencies in addition to police agencies. A review of recent social science literature will reveal that, in the past decade, stalking has come to be seen as a distinct area of research and preventative action as well as an area for action.

### How Prevalent is Stalking?

The prevalence of stalking varies from country to country. For instance, Kropp et al.'s (2002) report on Australian, American, and British studies examined both the *annual prevalence* and *lifetime prevalence* of stalking. In the Australian study, 6,300 women over the age of eighteen made up the random sample that was surveyed. The survey found that 15% (945) had been stalked once during their life, while 2.4% (151) claimed to have been stalked during the previous year. In the British study, 10,000 men and women from England and Wales who were between sixteen and fifty-nine were surveyed. Of this population, 16.1% (1,610) claimed to have been stalked at least once during their lifetime, while 4% (400) claimed to have been stalked in the previous year. The American study that Kropp et al. (2002) examined was Tjaden and Thoennes' (1998) National Violence Against Women (NVAW) study. This study examined 8,000 men and 8,000 women. It found that 2.2% of men reported lifetime prevalence of stalking, while women reported 8.1%. As for annual prevalence, .4% of men and 1% of women reported being stalked. Tjaden and Thoennes (1998) estimate that 8.2 million women have been stalked at some time during their lives, while 1,006,970 are stalked annually. To put this number in some perspective, consider that in 2000, the total number of incidents of murder/non-negligent manslaughter was 15,517; the number of incidents of forcible rape was 90,186; the number of incidents of robbery was 407,842; and the number of incidents of aggravated assault was 910,744 (U.S. Department of Justice, 2003). When we compare the number of stalking incidents with the number of incidents of these other serious crimes, we get a sense of the prevalence and seriousness of stalking.

There is a discrepancy in the percentages presented by the Australian and British studies when compared with the American study. The Australian study reports rates of 15% for lifetime prevalence and 2.4% for annual prevalence, while the British study reports rates

of 16% and 4% respectively. The British study also reports rates for both men and women, while the Australian study reports rates for women only. Nonetheless, when we compare them with the lifetime prevalence rates for women in the United States (8.1%) and for annual prevalence (1%), we realize that the prevalence of stalking in the United States seems much lower. As discussed earlier, this is likely because of the way the studies define stalking. Recall that the Australian and British studies had a broader, less specific definition for stalking than did the American study. As a result, more behaviors count as stalking in the Australian and British studies than do in the American study.

### **What Are Characteristics of the Stalking Event?**

In their study entitled *Extent, Nature, and Consequences of Intimate Partner Violence*, Tjaden and Thoennes (2000) reported on three violent intimate partner crimes: rape, physical assault, and stalking. As in their previous NVAW study, the authors examined data from a representative sample of 8,000 men and 8,000 women who answered questions about “their experiences as victims of various forms of violence, including intimate partner violence” (Tjaden & Thoennes, 2000, p. iii). They found that the majority of rapes (69.1%) and physical assaults (77.6%) occurred *during* the domestic relationship, i.e., before the victim left the home. The majority of stalking incidents (42.8%), however, occurred *after* the victim left the relationship, while in 36.4% of the cases, they occurred both before and after the victim left. Sheridan et al. (2001b) reported similar findings. The highest proportion of victims in their study (46%) reported that the stalking began after the victim had left the relationship. These findings strongly suggest that stalking is an extension of the man’s control of the woman even though she no longer lives with him. The spying and checking on her during the relationship is continued outside of the relationship in order to inform the woman that her rejection of the man is going to cost her. Mullen et al., (2000) contend, “The overt aim of the stalking is either to attain a reconciliation or to exact revenge for the

rejection" (p. 79). Since reconciliation is rarely an option, the stalker turns to revenge to let the victim know that her life is really not her own. Let us examine some of the ways in which this behavior manifests itself.

Stalkers use a number of tactics during the stalking event (Bjerregaard, 2000; Brewster, 2002; Fisher, Cullen, & Turner, 2002; Melton, 2000; Tjaden & Thoennes, 1998), and it is possible to divide them into tactics that consist primarily of *harassing* behavior and tactics which consist primarily of *violent or threatening* behavior (Melton, 2000), although there is often some overlap between tactics. One major tactic used to harass victims is to send letters to the victim's work and home. Stalkers also harass by making numerous phone calls and leaving messages on answering machines. Many stalkers will also send e-mail messages. Another harassing tactic is to send unwanted gifts to the victim's workplace and home. In addition, stalkers make personal visits to the victim's work or home. They may also follow or conduct surveillance on the victim. One may easily see why a victim might interpret such tactics as threatening. The effects of such tactics are seen in testimony given in May 1992 to the Michigan Senate Judiciary Committee:

Up until six months ago, I was excited about my job, about my future, about my life in general. . . . I was in control. That was then, and this is now. Now my hands shake and I often feel as though my heart is pounding through my chest. . . . My home has become a fortress, blinds pulled, doors double locked, and a high security alarm system in place, not to shut the world out, but to shut me in. (Kamir, 2001, p. 10)

Regardless of the tactic, the message sent is the same: "I control your life."

While all types of stalkers have the propensity to become violent and either harm or kill their victims, it is usually the intimate partner stalker who resorts to such tactics. Melton (2000) cites Coleman's 1997 study to describe such behavior. Those stalkers who engage in violent behavior break into the victim's home and/or car, violate restraining orders, damage the property of a victim's new partner, threaten or actually harm themselves, and threaten to or actually harm the victim. Palarea et al. (1999) found significant differences between the

degree of violent behavior between intimate and non-intimate partner stalkers, with threatening behavior as the key difference. Intimate stalkers threatened their victims 67% of the time whereas non-intimate stalkers did so only 33% of the time. Intimate stalkers also committed violence against the victim and her property 76% of the time, and a threat to the victim by the intimate stalker was followed by actual violence against the victim 81% of the time. These findings correspond to those of Mullen et al. (1999) that the intimate partner stalker, especially the one feeling rejection and resentment, is most likely to threaten and carry through on those threats.

Although murder occurs in less than 2% of stalking cases (Meloy, 1998), the chances of murder and physical assault occurring rise when the stalker has threatened his victim (De Becker, 1997; McFarlane, 1999a; Meloy, 1998; Palarea et al., 1999; Tjaden & Thoennes, 2000). In their study of the relationship between stalking and murder—a study which consisted of “208 women, 141 who had been killed by their intimate partner and 65 who had survived an attempt on their life by their intimate partner” (1999, p. 308)—McFarlane et al. (1999) discovered three important things. First, homicides committed by men against female intimate partners (McFarlane et al. refer to these as “femicides”) often had origins in a domestic abuse situation that the woman had recently left. Second, they found that 76% of the women who were killed, and 85% of those who survived attempts on their lives, had experienced at least one stalking behavior by their intimate or former intimate partner in the previous year. Third, they found “that abused women are at the highest risk for further harm or actual death from the point of ending the relationship to about 2 years postseparation” (1999, p. 311). Palarea et al. (1999) cite Schaum and Parrish’s 1995 study that concluded “that victims who leave abusive relationships have a 75% higher chance of being killed by their partners than in non-abusive relationships, with stalking behaviors preceding the murder” (p. 271). These

findings confirm the link between domestic abuse and stalking as well as the high possibility of danger a woman faces when she leaves an abusive relationship.

What of those women who are not killed by their intimate partner stalkers? In addition to living in constant fear of physical assault and murder, they experience many other problems as well. In discussing the effects of domestic abuse, Buzawa and Buzawa (1996) point to emotional trauma. Victims tend to have higher rates of medical problems, alcohol and drug abuse, and they are five times more likely to attempt suicide than is the rest of the population. In addition, mental illness often begins after the woman has left the abusive relationship. Similar effects are seen in stalking victims, as well. In their study of ways in which stalking affected female undergraduates, Westrup et al. (1999) used three groups—a control group, a group that had been harassed, and a group that had been stalked—to see which group exhibited more adverse psychological effects. They noted, “The stalking situations represented in this project are not the extreme, sensational cases often presented in the media, nor are they the severe cases typically handled by forensic agencies” (1999, p. 556). Their point is that the standard stalking event—and definitely the intimate partner event—are much more stressful and traumatic than any they studied. Nonetheless, they found that those in the stalking group had significantly more negative effects than did the control and the harassed group. Significant problems that revealed themselves were obsessive-compulsive disorder, depression, greater interpersonal sensitivity, and post-traumatic stress syndrome.

Mullen et al. (2000) concur with the findings of Westrup et al. (1999), and they discuss the effects of what they call a “*protracted stress situation*” (Mullen, 2000, p. 59; italics in original), which is the type of situation a victim of stalking finds herself in. They found that the effects of such a situation tend to be more deleterious than those that would occur in the aftermath of a violent attack. In addition, a protracted situation such as stalking “violates



the stalking victim's assumptions of living in a fair and safe society and crushes their expectations of regaining control [of their lives]" (2000, p. 59). These effects often cause major changes in how the victim lives her life.

In their study of British stalkers and victims, Sheridan et al. (2001, p. 218) found that the stalking event had a severe negative impact on the victims' work lives. Of 26 (27%) victims who were in professional positions at the time the stalking began, only 10 (11%) were in similar positions when they filled out the questionnaire. Similarly, of 17 (18%) who were in clerical positions when the stalking began, only 3 (3%) were at the time of filling out the questionnaire. If we compare these rates with those of the men (found on page 10), we see that the effects of stalking are far more negative for the victims than they are for the stalkers. These effects manifest themselves in ways which indicate the severe effects that stalking has had on the victim. Stalking victims often change residences and phone numbers, carry protection (a knife, a gun, Mace), avoid going out in public, and seriously curtail social activity. Many seek psychological counseling (Bjerregaard, 2000; Emerson et al., 1998; Tjaden & Thoennes, 1998). Hall (1998) reports that some women have taken the extreme steps of disappearing—actually leaving friends and family—as well as drastically changing their appearances.

Probably the strongest effects are psychological. Hall (1998, p. 133) refers to stalking as "psychological terrorism," which often results in the victim living a life in which she is always afraid lest the stalker appear unexpectedly to terrorize again. As Mullen et al. (2000) suggest, this response is appropriate given the circumstances of the stalking event, but it can have effects on the other parts of a victim's life as well. The victim's concern not only for her own safety but for that of family and friends—because stalkers often threaten these people as well—can cause her to isolate herself. The victim's entire world view has been changed by the stalking, and she has to deal with the conclusion that her stalker has won;

although often not present, he controls her life. A victim in the Sheridan et al. (2001a) study put it this way:

The emotional/mental strain placed on me has completely taken over my life. This man has left me half the person I used to be. General everyday affairs can cause me great anxiety. Stalking affects every aspect of your life from family to work to relationships. I trust no-one, and am suspicious of all. I am different than most girls and know that this difference is the result of the extra baggage that 'casualties of stalkers' carry with them 24 hours a day. (p. 228)

### **What is the Law Enforcement Response to Stalking?**

Is there a legal remedy if an individual is being harassed to the point that she can make a statement such as this? Gardner and Anderson (2003), in their text *Criminal Law*, claim that stalking victims, as well as any victim of crime, should be able to find relief in the law. Zalman (2002) contends that, "the [Supreme] Court's larger goal, always, is to preserve a society in which order is sustained and liberty is cherished" (italics in original) (p. 2). In *Katz v. United States* (1967), we read, "The protection of a person's right to privacy—his right to be left alone by other people—is, like the protection of his property and his very life, left largely to the laws of the individual States" (Gardner & Anderson, 2003, p. 22). The law makes a strong statement about crimes of interpersonal violence such as stalking. Prosecutors and police should be willing and able to help the stalking victim, and she should feel comfortable about contacting them.

But is this the case? Reichert (2000) says that only half of intimate partner stalking events are reported to police, which is consistent with the rate of reporting of crime in general (Senna & Siegel, 2002). Tjaden and Thoennes (1998) concur, indicating that 54.6% of the 641 women in their study reported stalking to the police. In their study published two years later, Tjaden and Thoennes (2000) report that only 51.9% of the 343 women in the study reported stalking to the police. Coulter, Kuehnle, Byers, and Alfonso (1999), in their study of battered women, found that women (a) who had education levels of high school or above, (b) who had been abused for more than a year, and (c) who exhibited feelings of

lack of control and anger were more likely to report domestic violence abuse to police. McFarlane et al. (2000), in their study of stalking victims, suggest that the tendency to report stalking to the police depends on the level of violence used. Where little or no violence is used, the victim is unlikely to notify the police. Should the stalker engage in violent behavior such as physical assault or rape, the victim is more likely to call. However, relatively few stalking cases graduate to the physical level, mainly because the stalker is able to control his victim without resorting to violence.

This may be why so many women do not summon the police: as with victims of other crimes, they simply do not feel that there is anything the police can do (Senna & Siegel, 2002). In fact, of the three main reasons given in Tjaden & Thoennes' (2000) study, this is the first one given, and it was given by 100% of the women who decided not call the police. The second reason given, this one by 98.2% of the victims, was that they did not feel that the police would believe them. The third reason, given by 61.8% of the victims, was that the victim felt ashamed and wanted to keep the incident to herself. All three of these reasons exhibit something that we have seen demonstrated previously: the almost total control the stalker has over the victim as well as the almost total lack of control the victim feels she has over her own life. This feeling is also displayed in the 38.2% of the cases in this study in which the victim said that she was afraid of the perpetrator. This fear is borne out in the study of Coulter et al. (1999) of women at a domestic violence shelter. Women were twice as likely as men *not* to report interpersonal violence for fear of retaliation. So, even though the abuser may not have physically attacked his victim, the threat of that attack is always there should other tactics fail.

It may be the absence of violent behavior that limits what police can do to help a woman who is being stalked. Melton (2000) claims that the limitations put on police are a problem with anti-stalking legislation in certain states. She contends that while some states

do not demand that the victim show a “credible threat,” others do. Some state anti-stalking statutes, like Colorado’s, demand that the stalker “engage in conduct to further the threat” (Melton, 2000, p. 253). Another inconsistency is found in the ways in which states define stalking, i.e., as a misdemeanor or a felony. According to Melton (2000), consistency of anti-stalking laws is needed on a national level. She also feels that stalking in and of itself should be exclusively a felony in order to force “justice personnel to take it seriously” (2000, p. 258). The assumption is that police are more likely to arrest someone who has committed a felony than they are someone who has committed a misdemeanor.<sup>4</sup>

Evidence exists to belie this assumption, however. In fact, police do not make arrests just because a crime, whether felony or misdemeanor, has been committed. As Sherman (1992, p. 36) contends, “Many Americans assume that law enforcement is fairly automatic: if presented with sufficient evidence that someone has committed a crime, police will usually arrest that person. Yet this presumption . . . is a myth.” He cites Donald Black’s 1966 study that was conducted for the President’s Commission on Law Enforcement and Administration of Justice, in which Black found that police made arrests “in only 58% of the reported felonies.” Evidence strongly suggests that in cases of interpersonal violence—such as we find in domestic and stalking situations—police under-enforce the law. Goldstein (2002) suggests that one reason the police will often not make an arrest when they could—and perhaps should—is because of their use of discretion.

In addition, the decision of police not to arrest is usually not subject to public scrutiny; consequently, they feel safe in making it. The realities of lack of time and manpower to make arrests also cause police to be selective. Officers sometimes will not make arrests, even in felonious assault cases, simply to avoid the paperwork and “hassle” of the arrest. Similarly, if their experience has told them that such cases are likely to be dismissed, usually on the grounds that the victim is unwilling to testify, they will see such an arrest as a

waste of their time. This may occur in stalking cases in which the officer may have seen charges dropped because the victim has decided not to press charges. As a result, the officer will be much less likely to arrest an alleged stalker the next time the opportunity presents itself.

In addition to the issue of whether stalking should be classified as a felony, another concern exists in the language used in the construction of anti-stalking laws. Melton (2000) notes that such laws in twelve states have been challenged on First Amendment grounds for vagueness and overbreadth. While all but one (Minnesota) survived the challenge, Melton warns that other state anti-stalking laws may be open to such challenges. Bjerregaard (1996) reported on 36 cases in which state anti-stalking statutes were challenged. Her findings indicated that in 30 of those cases, the anti-stalking laws passed muster, leading her to conclude that “the appellate courts have been overwhelmingly supportive of the state’s authority to proscribe stalking behaviors. . . . It appears that most of the newly enacted antistalking statutes will survive First Amendment constitutional challenges” (1996, p. 332). Like Melton, however, Bjerregaard (1996) feels that some state anti-stalking laws may be open to attack if they do not employ what she refers to as “the limiting elements recognized by the courts,” such as requiring that the defendant have a specific intent to commit stalking, that there be “both an objective and subjective standard for determining harm,” and that key terminology be defined adequately (p. 332).

Melton (2000) contends that anti-stalking legislation can be written to protect victims in a constitutionally permissible way. For example, Section 750.411h of *Michigan Compiled Laws* defines stalking in this way:

“Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Based on the Model Anti-Stalking Code developed in 1993 by the National Institute of Justice, this definition is an example of a specific code that clearly identifies behavior that is difficult to pass off as “innocent” (i.e., behavior “that would cause a person to feel terrorized, frightened, intimidated, threatened, harassed, or molested . . .”). Bjerregaard (1996) reports that in *People v. White* (1995), the Michigan’s statute was declared not to be unconstitutionally vague by the Michigan Court of Appeals.

Unfortunately, stalking is also a crime that, because of its arguably elusive nature, has to be vigorously pursued by the victim in concert with police and the courts, mainly because so much behavior that is associated with stalking can indeed be passed off as innocent by the stalker. Unlike single-act crimes like physical assault and rape, in which the police obtain victim and witness statements and are then able to manage the case, the case against a stalker often has to be built over time, and often the only person who can do that effectively is the stalking victim herself. Melton (2000) argues that there is a problem with the victim initiating the action (as there often is with domestic violence legislation), and that is that it begins as a *civil* and not a *criminal* action. Again, Melton feels that the civil nature diminishes the seriousness of stalking in the eyes of police, whose primary role is to deal with *criminal* behavior. Nonetheless, given current legislation, this seems to be the best victims can do at this time.

There are indications, however, that police departments do take stalking seriously. In an article in the *FBI Law Enforcement Bulletin*, Wattendorf (2000) describes a pattern of action that police should suggest to victims to take against their stalkers. First, victims need to collect evidence such as records of when the stalker contacted the victim. Also, all answering machine, e-mail, fax, and written messages should be saved and shown to police. Police should also assign each victim a case number so that she can refer to it when she calls to report information. In this way, a substantial case may be built against the

stalker. Another tactic is for the victim to keep a journal that details how the stalking is affecting her personal life. Information to include would be things such as time missed from work as a result of the stalking, hours of sleep lost, and counseling sought. If the victim has had to change phone numbers, locks, or even residence, that too should be recorded. Police should also suggest that the victim change her phone number and get caller identification as well as an answering machine to record messages from the stalker.

Finally, Wattendorf (2000) suggests three proactive strategies that police can employ: a non-custodial interview of the suspect, surveill the stalker at times and places in which he has been reported to stalk the victim, and if officers have probable cause, they can obtain a search warrant and search the suspect's premises for evidence of the alleged stalking.

Victims can also turn to the courts for protection. In an article entitled "Battered Women and the Justice System" (1996), Hart argues that it is important for battered women to take an active role in the prosecution of their batterers. Doing so sends a stronger message to perpetrators that the victim will no longer put up with the behavior and that they are willing to go to great lengths to stop it. Much the same could be said for the victims of stalkers. Especially in cases where the stalker either has been abusive (such as that found in a domestic violence situation) or threatens to be abusive (after the victim has left the domestic situation), the personal protection order (PPO) or restraining order is a good idea. In their study entitled "Civil Protection Orders and Risk of Subsequent Police-Reported Violence" Holt, Kernic, Lumley, Wolf, and Rivara (2002) reported that, in cases of intimate partner violence, a permanent protection order resulted in "a statistically significant 80% reduction in police-reported physical violence in the 12 months after an IPV [interpersonal violence] incident" (p. 593). Michigan has instituted a PPO specifically for stalking, as this information from the Ingham County (n.d.) homepage describes:

*You must establish* that the defendant has shown:

—A pattern of behavior, including *two or more separate incidents*, that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested, and that actually causes the person to feel terrorized, frightened, intimidated, threatened, harassed or molested. (Italics added)

The italicized words demonstrate the importance of documenting the contact the victim has had with the stalker. And while the requirement of two separate incidents may seem problematic, it is important for the police to be able to identify the series of behavior that is stalking; in addition, the PPO helps create a paper trail of evidence that prosecutors will be able to use at trial. Some might argue that behavior in two incidents is not enough evidence on which to build a charge; however, it does give the police enough information to contact the stalker and to let him know the consequences of his continued actions. Like many approaches to fighting crime, the fight against stalking demands a “community” effort to fight back against the controlling and isolating tactics of the stalker. If stalkers are convinced that they are not dealing with one victim but with a wide array of people with the victim’s interests at heart, they may desist before doing more harm.

It is hard to deny the dangerous and insidious nature of stalking, and at present, law enforcement agencies seem aware of the need to deal with this obvious social problem. Although stalking has been dealt with as a contemporary phenomenon, it is not hard to trace the phenomenon of stalking and discover that it has been with humankind since early in its history. It is also possible that many stalkers, the majority of whom are male, feel a sense of entitlement and ownership of the females they stalk. Consequently, it is not hard to see stalking as a social behavior that is imbedded deep within the culture. Perhaps that is why dealing with it is so difficult. Nonetheless, it is behavior that is no longer considered acceptable, and strong efforts need to be undertaken in order to eradicate it. While these efforts may need to begin in the criminal justice system, they will ultimately need to disseminate throughout the culture.



To date, most research on stalking has focused on the experience of the victim and on the characteristics of stalkers. Other literature (Dunn, 2002; Wattendorf, 2000), some of it of a more popular nature (Crompton & Kessler, 2003), discusses how the victim can recognize the “warning signs” of intimate partner stalking and abuse as well as what a victim can do if she is being stalked. While such literature is interesting and important, one area of research has been neglected—the police response to stalking allegations. As Tjaden and Thoennes’ (1998) study showed, about half of the stalking victims who called police reported being satisfied with the actions police took in their cases, while about half reported dissatisfaction. The discrepancy in these findings leads me to the research question of the thesis: What criteria did police use to decide how to handle the stalking cases that various victims brought to them? To date, I have found no literature that directly addresses this question. Consequently, the purpose of this thesis is to gather data that will provide answers to this question, and such answers are vital if we are to understand not only the role police agencies currently play in combating stalking, but also if we are to revise and improve the response of police agencies to stalking.

## Method

### Setting

Data were collected from two police agencies in central Michigan, Saginaw and Saginaw Township. According to the 2000 Census (n.d.), Saginaw is a city of 61,799 residents with a median household income of \$26,485. Of those people who are over 16 years old, 7.7% are unemployed. The ethnic composition of Saginaw is diverse. Whites make up 47% of the population and African Americans 43.3%. The remaining 9.7% is represented by those labeled "Some Other Race" (5.9%), "Two or more races" (3.0%), American Indian and Alaska Native (.5%), and Asian (.3%). Saginaw is divided geographically by the Saginaw River, which since the 1950s has been a racial boundary, with primarily African-Americans and Hispanics occupying the east side and primarily Whites the west. Saginaw's population declined during the 1990s, from 69,512 in 1990 to 61,799 in 2000. In the year 2000, the median home value in the city of Saginaw was \$46,800 (United States Census, n.d.).

Saginaw Township is a community of 39,657 residents with a median household income of \$45,443, nearly \$19,000 more than that of the city. Of those people who are over 16 years old, only 3% are unemployed. The ethnic composition is much less diverse than is that of the city of Saginaw. Whites make up 88.8% of the population and African Americans 5.3%. The remaining 5.9% is made up of Asians (2.7%), those labeled "Some Other Race" (1.5%), "Two or more races" (1.5%), and American Indian and Alaska Native (.3%). Saginaw Township has seen abundant commercial and residential growth in the last two decades, and it is a residential area of choice for young families as well as professionals (physicians, attorneys, university professors, etc.). While financial opportunities have fallen in Saginaw, so have they risen in Saginaw Township. In the year 2000, the median home

value in Saginaw Township was \$123,250, over 2.5 times that of homes in the city (United States Census, n.d.).

Based on the 2001 *FBI Uniform Crime Reports*, the rate of violent crimes (murder, rape, robbery, and assault) in Saginaw is 1,888.9 per 100,000 population, well above the national average of 506.1 per 100,000. Conversely, the rate of violent crimes in Saginaw Township is 187.3 per 100,000, well below the national average.

### **Sample**

The Saginaw Police Department (SPD) has 112 sworn, active-duty officers, with an authorized strength of 113. Of these officers, 25 are African-American, 71 are White, 15 are Hispanic, and 1 is Asian. The SPD has 67 patrol officers, 53 male and 14 female. When command staff is included, there is a total of 82 patrol officers, 64 male and 18 female. The SPD has 24 detectives, 21 male and 3 female. When command staff is included, there is a total of 29 detectives, 25 male and 4 female. At the SPD, I attended all seven roll calls on June 26, 2003, and distributed the questionnaire at the end of the 6:45 a.m., 7:45 a.m., 2:45 p.m., 3:45 p.m., 7:45 p.m., 10:45 p.m., and 11:45 p.m. The response rate was 92%. Only four of the total number of officers and detectives who were on duty that day and who were asked to complete the questionnaire failed to fill it out. Forty-two officers and four detectives completed and returned the questionnaires.

The Saginaw Township Police Department (STPD) has 38 sworn, active-duty officers, with an authorized strength of 43. Of these 38 officers, 36 are White, 1 is Hispanic, and 1 is identified as Other. The STPD has 26 patrol officers, 23 male and 3 female. The STPD has 9 detectives, 8 male and 1 female. At the STPD, I attended all three of their roll calls on July 3, 2003, and distributed the questionnaire at the end of the 5:45 a.m., 1:45 p.m., and 9:45 p.m. The response rate was 100%. Fourteen officers and two detectives completed and returned the questionnaires. Because the questionnaire was anonymous, respondents were

asked to read an informational cover sheet that informed them of their rights before completing the questionnaire. The questionnaires took about ten minutes to administer to each roll call.

**Table 1.**  
*Demographic Information: Questionnaire Respondents from the Saginaw City Policy and Saginaw Township Police*

	Saginaw City	Saginaw Township
<i>Gender</i>		
Male	35	14
Female	11	2
<i>Age</i>		
21-29	9	1
30-39	23	8
40-49	13	5
50-59	1	2
<i>Position</i>		
Patrol Officer	39	14
Detective	4	2
No Answer	3	0
<i>Marital Status</i>		
Married	33	11
Divorced	3	3
Separated	3	0
Remarried	2	0
Single, Never Married	5	2
<i>Ethnic Background</i>		
African-American	11	0
Hispanic	4	1
White	24	15
Other	4	0
No Answer	3	0
<i>Education</i>		
H.S. or G.E.D.	1	0
Some College or Trade	11	6
College Graduate	27	9
Some Post-Graduate Work	3	1
Advanced Degree	1	0
No Answer	3	0

N = 62

The sample for this thesis was drawn from the number of sworn officers in Saginaw City and Saginaw Township. The sample was composed of 79% males and 21% females. Respondents between the ages of 30-39 made up 50% of the sample; those between 40-49 made up 29%; those 21-29 made up 16.1%; and those 50-59 made up 4.8%. Patrol officers (85.5%) greatly outnumbered detectives (9.7%), and Whites (62.9%) outnumbered African-Americans (17.7%) and Hispanics (8.1%). The majority of respondents was married (71%), while 11.3% were single, never married; 9.7% were divorced; 4.8% were separated; and 3.2% were remarried. In regard to formal education, 58.1% were college graduates, 27.4% had some college or trade school, 6.5% had done some post-graduate work, 1.6% had some high school or G.E.D., and 1.6% held an advanced degree. There was a wide variance in how long respondents had been with their agency. The mean length of time was 10.3 years. Two respondents had been with their agency only one year, while one had been with his agency for 23 years. The total sample size for both departments combined is 62. Table 1 provides a summary of the sample.

### **Design**

The questionnaire consisted of 28 questions, divided into four sections. The first section inquired about individual attitudes toward stalking; the second section inquired about incidents that influenced officers and detectives in how to deal with stalking cases; the third section inquired about officers' and detectives' personal experience with stalking cases; and the fourth section inquired about demographic information. Table 2 presents the questions and the ways in which they were measured.

**Table 2.**  
*Description of Questionnaire Items and Their Measurement*

	Items	Measurement
<b>Attitude</b>		
1.	A stalker is merely a misguided individual, not a criminal.	SA = 4, A = 3, D = 2, SD = 1 <sup>a</sup>
2.	If the person who reports stalking doesn't seem to be afraid, I am less likely to take the report as seriously.	SA = 4, A = 3, D = 2, SD = 1
3.	It is important for police to educate stalking victims about measures they can take to protect themselves.	SA = 4, A = 3, D = 2, SD = 1
4.	Stalking victims, especially females, are often overreacting to a harmless situation.	SA = 4, A = 3, D = 2, SD = 1
5.	If the alleged stalker says he/she is trying to save his/her marriage or relationship, I am less likely to get involved.	SA = 4, A = 3, D = 2, SD = 1
6.	Stalking is a serious crime that a police agency should deal with immediately.	SA = 4, A = 3, D = 2, SD = 1
7.	Before calling the police, people who feel they are being stalked should demand that their stalker leave them alone.	SA = 4, A = 3, D = 2, SD = 1
8.	When stalking is reported, a police officer should contact the alleged stalker to warn him/her to stay away from his/her victim.	SA = 4, A = 3, D = 2, SD = 1
<b>Influence on Police Action</b>		
9.	If the victim has filed a Personal Protection Order against the alleged stalker.	SI = 4, I = 3, LI = 2, NI = 1 <sup>b</sup>
10.	If the victim has been contacted personally by the alleged stalker.	SI = 4, I = 3, LI = 2, NI = 1
11.	If the victim has been contacted by telephone by the alleged stalker.	SI = 4, I = 3, LI = 2, NI = 1
12.	If the victim has been given an unwanted gift by the alleged stalker.	SI = 4, I = 3, LI = 2, NI = 1
13.	The sex of the victim.	SI = 4, I = 3, LI = 2, NI = 1
<b>Experience</b>		
14.	On average, how many reports of stalking do you take in a month?	None = 1 1-3 = 2 4-7 = 3 8-10 = 4 More than 10 (please specify the number) = 5
15.	How are stalking reports investigated in your agency?	If a patrol officer takes the report, he/she investigates = 1 If a detective takes the report, he/she investigates = 2 If a patrol officer takes the report, he/she does a brief investigation but then turns it over to a detective = 3 If a patrol officer takes the report, he/she immediately turns it over to a detective = 4

16. Which of the following factors influence you to investigate a stalking report beyond the initial report? (Check all that apply.)
- The amount of time I have during my shift = 1
  - The relationship between the victim and the alleged stalker = 2
  - The number of times the alleged stalker has contacted the victim = 3
  - Whether the victim felt frightened or not = 4
  - Whether the alleged stalker has a criminal record = 5
  - Whether the alleged stalker has stalked other victims = 6
  - Whether the victim has a PPO against the alleged stalker = 7
  - Other (please specify) = 8
17. Who is more likely to be a stalker, a man or a woman?
- Man = 1
  - Woman = 2
18. On a scale of 1–9, with 1 being the *least serious* and 9 being the *most serious*, rank the following incidents.
- Burglary
  - Vandalism
  - Larceny
  - Murder
  - Stalking
  - Loud Music/Party
  - Aggravated Assault
  - Motor Vehicle Theft
  - Sexual Assault
19. On a scale of 1–9, with 1 being the *least serious* and 9 being the *most serious*, rank which of the following stalkers you feel is the most serious threat to a stalking victim.
- Wife
  - Acquaintance
  - Boyfriend
  - Relative
  - Ex-Husband
  - Ex-boyfriend
  - Husband
  - Ex-Wife
  - Stranger
20. In an average year, how many times do you arrest people on stalking charges?
- None = 1
  - 1–3 = 2
  - 4–7 = 3
  - 8–10 = 4
  - More than 10 (please specify the number) = 5
21. Would you say that, in the last five years, the number of stalking reports has risen, fallen, or remained about the same?
- Risen = 1
  - Fallen = 2
  - Remained about the same = 3
- Who You Are
22. What is your gender?
- Male = 1
  - Female = 2
23. What is your age?
- 21–29 = 1
  - 30–39 = 2
  - 40–49 = 3
  - 50–59 = 4
  - Other (please specify) = 5
24. Are you a detective or a patrol officer?
- Detective = 1
  - Patrol Officer = 2
25. How many years have you been with this agency?
- \_\_\_\_\_ years

- |     |   |   |
|-----|---|---|
| 26. | What is your current marital status?          | Married = 1<br>Divorced = 2<br>Separated = 3<br>Remarried = 4<br>Single, Never Married = 5  |
| 27. | What is your ethnic background?               | African-American = 1<br>Asian = 2<br>Hispanic = 3<br>White = 4<br>Other (please specify) = 5  |
| 28. | Check your highest level of formal education. | High School or G.E.D. = 1<br>Some College or Trade School = 2<br>College Graduate = 3<br>Some Post-Graduate Work = 4<br>Advanced Degree = 5 |

---

<sup>a</sup> SA = Strongly Agree, A = Agree, D = Disagree, SD = Strongly Disagree

<sup>b</sup> SI = Strong Influence, I = Influence, LI = Little Influence, NI = No Influence

The questions in Section One measure each officer's *personal* attitudes about stalking. Some researchers (Dunn, 2002; Melton, 2000) suggest that male police officers may not take reports of stalking seriously. For instance, they may feel that a husband has a right to keep tabs on his wife, or that a boyfriend who is stalking a girlfriend is merely showing his love for her. Similarly, officers who do not believe in divorce may view stalking as an attempt at saving the marriage. Attitudes such as these can very well stand in the way of the officer doing his/her sworn duty. Also, I was interested in finding out how big of a role officers think victims must play in protecting themselves and aiding police in the prosecution of her case. The questions in this section, then, are designed to measure how much of a role officers' personal attitudes play in their decisions about how to respond to a stalking report. To measure officers' attitudes, I asked them to strongly agree, agree, disagree, or strongly disagree with statements pertaining to attitudes about stalking.

While officers' attitudes may play an important role in how they deal with a situation, officers must still conduct themselves within the letter of the law. To do this effectively, they must have an adequate knowledge of that law, which is found in Michigan Compiled Laws (MCL) 750.411h and 750.411i. The questions in Section Two are designed to ascertain



officers' views on the content of the material in the statutes as well as how consistent their actions are with this content. From my discussions with police officers, I learned that the existence of a Personal Protection Order (PPO) against an alleged stalker is—or should be—influential in an officer's response to a stalking report. Consequently, the first item in this section is meant to examine this idea. Items 10, 11, and 12 correspond to three of the “unconsented contacts” found in both Michigan anti-stalking statutes; these items examine officers' familiarity with this section of the statutes. Finally, since the majority of stalkers are male and the majority of victims female, I was interested to see if the sex of the victim influenced officers' responses to reports of stalking. The items in this section are designed to measure how much of a role these factors influence their decisions about how to respond to a stalking report. To measure the degree of influence, I asked them to respond to statements by choosing from strongly influence, influence, little influence, or no influence.

The questions in Section Three measure the experiences officers have had with stalking cases. These are designed to give some sense not only of how the officer deals with stalking cases, but also to give some idea of how his/her agency deals with them. This section should also indicate how seriously stalking is taken by the officer and his/her agency. The questions in Section Four are demographic, measured primarily by nominal-level variables.

This thesis is primarily exploratory, since it is focused on compiling information on a subject about which there is a dearth of information: police response to stalking cases. Its aim is to compile information about police attitudes toward stalking, factors that influence them to investigate stalking cases, experiences they have had with stalking cases, how seriously they view stalking, and how they rank various types of stalkers. Consequently, descriptive statistics— especially frequency distributions—form the basis for analysis.

## Results

After the questionnaires were collected and data were coded, frequency distributions were run.<sup>5</sup> The responses of the police officers and detectives who had completed the questionnaires were then analyzed. The findings of these analyses are below.

### Police Attitudes Toward Stalking

Table 3 indicates that police take stalking seriously. In response to the statement that a stalker is merely misguided, not criminal, 93.5% either disagreed (25.8%) or strongly disagreed (67.7%). In response to the statement that if the person who reports stalking does not seem to be afraid, the police officer tends not to take the report seriously, 70.9% either disagreed (54.8%) or strongly disagreed (16.1%). When asked to respond to whether it is important for police to educate stalking victims about measures victims can take to protect themselves, 98% either agreed (67.7%) or strongly agreed (30.6%). When asked to respond to whether stalking victims, especially females, overreact to what is really a harmless situation, all those who responded either disagreed (61.3%) or strongly disagreed (38.7%).

Nearly 100% of those surveyed also disagreed with the statement about being less likely to become involved in the situation if the stalker claimed that he/she was merely trying to save the marriage or relationship: 54.8% disagreed while 41.9% strongly disagreed. When asked to respond to the statement that stalking was a serious crime that demanded immediate police attention, 41.9% strongly agreed while another 51.6% agreed. Nearly 94% either strongly agreed (35.5%) or agreed (58.1%) that a police officer should contact the alleged stalker to warn him/her to stay away from the victim. Respondents were a bit more divided over whether the victim should demand that the stalker leave them alone: 58.1% either strongly agreed (12.9%) or agreed (45.2%) while 33.9% disagreed and 8.1% strongly disagreed.

**Table 3.**  
*Police Attitudes Toward Stalking*

	Misguided, not criminal	Victim not afraid	Police educate	Victims overreact	Saving relation	Stalking serious	Victims demand	Police contact stalker
Strongly Agree	3 4.8%	3 4.8%	42 67.7%	0 0.0%	0 0.0%	26 41.9%	8 12.9%	22 35.5%
Agree	0 0.0	15 24.2	19 30.6	0 0.0	2.0 3.2	32 51.6	28 45.2	36 58.1
Disagree	16 25.8	34 54.8	1 1.6	38 61.3	34 54.8	3 4.8	21 33.9	3 4.8
Strongly Disagree	42 67.7	10 16.1	0 0.0	24 38.7	26 41.9	1 1.6	5 8.1	1 1.6
No Answer	1 1.6	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0

N = 62

### Incidents that Influence How Police Deal With Stalking

Table 4 indicates that, with the exception of the sex of the victim, there are certain factors that exist during the case that influence or strongly influence the way in which police deal with reports of stalking. For instance, if the victim has filed a Personal Protection Order against the alleged stalker, 87.1% of those surveyed said that this strongly influenced (46.8%) or influenced (40.3%) how seriously they viewed the case. Similarly, if the victim has been contacted personally by the alleged stalker, 93.5% responded that this strongly influenced (38.7%) or influenced (54.8%) how seriously they viewed the case. If the alleged stalker contacted the victim by telephone, 87.1% of those surveyed were strongly influenced (25.8%) or influenced (61.3%) to take the case seriously, just as 75.8% of those surveyed were strongly influenced (33.9%) or influenced (41.9%) if the alleged stalker gave a gift to the victim. Conversely, 69.4% of the respondents reported that the sex of the victim had little influence (33.9%) or no influence (35.5%) on how seriously respondents viewed the case.

**Table 4.**  
*Incidents that Influence How Police Deal with Stalking*

	PPO against stalker	Personal contact by stalker	Phone contact by stalker	Unwanted gift from stalker	Victim's sex
Strongly Influence	29 46.8%	24 38.7%	16 25.8%	21 33.9%	6 9.7%
Influence	25 40.3	34 54.8	38 61.3	26 41.9	12 19.4
Little Influence	3 4.8	3 4.8	7 11.3	11 17.7	21 33.9
No Influence	5 8.1	1 1.6	1 1.6	4 6.5	22 35.5
No Answer	0 0.0	0 0.0	0 0.0	0 0.0	1 1.6

N = 62

### Police Experience with Stalking Cases

Those surveyed reported that the number of stalking reports they take each month is relatively low: 64.5% reported taking 1-3 reports per month, 29% reported taking no stalking reports in an average month, and 4.8% reported taking 4-7 reports per month. In response to how often they arrested people on stalking charges per year, 50% reported that they did so 1-3 times, 32.3% reported that they arrested no one on stalking charges in the average year, 11.3% reported that they made 4-7 arrests in the average year, while 4.8% reported that they made 8-10 arrests in the average year. See Table 5.

**Table 5.**  
*Number of Stalking Reports Taken Per Month and Average Arrests for Stalking Per Year*

	Stalking reports per month	Stalking arrests per year
None	18 29.0%	20 32.3%
1-3	40 64.5	31 50.0
4-7	3 4.8	7 11.3
8-10	0 0.0	3 4.8
10 +	0 0.0	1 1.6
No Answer	1 1.6	0 0.0

N = 62

In response to whether reports of stalking had risen, fallen, or remained about the same in the previous five years, 50% reported that they had risen, 46.8% reported that they had remained about the same, while only 3.2% reported that they had fallen.

When asked to respond about the procedure for dealing with stalking reports in their agency, 85.5% of those surveyed reported that police officers would take the initial report, do a brief investigation, and then turn the case over to a detective. Another 9.7% reported that the police officer would take the report and turn it over to a detective without making any investigation, while one respondent (1.6%) reported that police officers took the report and investigated. Another question about investigation asked respondents to indicate factors that led them to investigate beyond the initial report (See Table 6). While the majority of respondents indicated that all but one of the factors listed might lead to further investigation, two factors that stood out were (1) if the alleged stalker had a criminal record and (2) if the alleged stalker had stalked other victims. Of those surveyed, 75.8% indicated that these two factors would cause them to investigate beyond the initial report. Another factor was the amount of time the respondent had during his/her shift: 66.1% indicated that the amount of time he/she had dictated whether there would be further investigation. The

fear the victim expressed was a factor that would cause 64.5% of respondents to investigate further, while 62.9% indicated that the relationship between the alleged stalker and the victim was a factor that would lead to further investigation. Only the number of times the alleged stalker had contacted the victim garnered a rate under 50% (48.4%).

**Table 6.**  
*Factors Leading Police Officers and Detectives to Investigate Beyond an Initial Stalking Report*

	Time	Relationship victim/stalker	Times stalker contacted	Victim scared	Stalker has record	Stalker stalked other victims
Yes <sup>a</sup>	41 66.1%	39 62.9%	30 48.4%	40 64.5%	47 75.8%	47 75.8%
No <sup>b</sup>	21 33.9	23 37.1	32 51.6	22 35.5	15 24.2	15 24.2

N = 62

<sup>a</sup> Item was checked on questionnaire.

<sup>b</sup> Item was not checked on questionnaire.

In order to get a sense of how seriously police viewed stalking in comparison with other crimes, the questionnaire asked respondents to rank nine incidents in order of seriousness: burglary, vandalism, larceny, murder, loud music/party, aggravated assault, stalking, motor vehicle theft, and sexual assault. Table 7 summarizes the results of this ranking. The incidents were measured on a scale of 1-9, with 1 being the least serious and 9 being the most serious.<sup>6</sup> The least serious incident was loud music/party; followed by vandalism; larceny; motor vehicle theft; burglary (average); stalking; aggravated assault; sexual assault; and murder (the most serious). Of those surveyed, 51.6% ranked stalking sixth, while 21% ranked it fourth, and 14.5% ranked it fifth. A slim majority, then, felt that stalking belonged with other serious interpersonal crimes like aggravated assault, sexual assault, and murder.

**Table 7.**  
*Ranking of Seriousness of Incidents from Least Serious to Most Serious*

Rank	Least Serious								Most Serious
		Loud music/party	Vand.	Larceny	Car theft	Burglary	Stalking	Agg. asslt.	
1	<b>48<sup>a</sup></b> <b>77.4%</b>	1 1.6%	1 1.6%	2 3.2%	0 0.0%	0 0.0%	0 0.0%	1 1.6%	8 12.9%
2	2 3.2	<b>35</b> <b>55.6</b>	10 16.1	4 6.5	0 0.0	0 0.0	2 3.2	6 9.7	1 1.6
3	2 3.2	7 11.3	<b>32</b> <b>51.6</b>	6 9.7	3 4.8	3 4.8	6 9.7	2 3.2	0 0.0
4	0 0.0	8 12.9	4 6.5	<b>19</b> <b>30.6</b>	17 27.4	13 21	0 0.0	0 0.0	0 0.0
5	0 0.0	0 0.0	5 8.1	15 24.2	<b>29</b> <b>46.8</b>	9 14.5	0 0.0	0 0.0	0 0.0
6	0 0.0	1 1.6	1 1.6	14 22.6	10 16.1	<b>32</b> <b>51.6</b>	3 4.8	0 0.0	0 0.0
7	1 1.6	1 1.6	8 12.9	1 1.6	2 3.2	3 4.8	<b>38</b> <b>61.3</b>	8 12.9	0 0.0
8	0 0.0	8 12.9	0 0.0	0 0.0	0 0.0	1 1.6	8 12.9	<b>44</b> <b>71.0</b>	0 0.0
9	8.0 12.9	0 0	0 0	0 0	0 0	0 0	0 0	0 0	<b>52</b> <b>83.9</b>
NA	1 1.6	1 1.6	1 1.6	1 1.6	1 1.6	1 1.6	1 1.6	1 1.6	1 1.6

N = 62

<sup>a</sup>Highest numbers and percentages in each category are in bold-faced type.

In order to get a sense of how seriously police viewed various types of stalkers, the questionnaire asked respondents to rank which of nine types of alleged stalkers they felt were most dangerous: wife, acquaintance, boyfriend, relative, ex-husband, ex-boyfriend, husband, ex-wife, and stranger. Table 8 summarizes these rankings. Again, respondents were asked to rank on a scale of 1-9, with 1 being the least dangerous and 9 being the most dangerous. Least dangerous was the relative, followed closely by the stranger. The acquaintance ranked third, ex-wife fourth, and wife fifth. The dangerousness of the boyfriend, the ex-boyfriend, husband, and ex-husband was similar, with the ex-husband being seen as the most dangerous, followed quite closely by the husband. The ex-boyfriend is next, followed closely by the boyfriend.

**Table 8.**  
*Ranking of Dangerousness of Stalkers from Least Dangerous to Most Dangerous*

Rank	Least Dangerous						Most Dangerous		
	Relative	Stranger	Acquaint.	Ex-wife	Wife	Boyfriend	Ex-boyfriend	Husband	Ex-husband
1	<b>20<sup>a</sup></b> 32.3%	<b>19</b> 30.6%	6 9.7%	2 3.2%	5 8.1%	1 1.6%	2 3.2%	0 0.0%	2 3.2%
2	10 16.1	7 11.3	14 22.6	3 4.8	7 11.3	3 4.8	5 8.1	5 8.1	4 6.5
3	16 25.8	7 11.3	<b>15</b> <b>24.2</b>	6 9.7	3 4.8	4 6.5	3 4.8	2 3.2	2 3.2
4	3 4.8	1 1.6	8 12.9	<b>11</b> <b>17.7</b>	7 11.3	10 16.1	7 11.3	6 9.7	5 8.1
5	1 1.6	5 8.1	0 0.0	10 16.1	<b>15</b> <b>24.2</b>	13 21	4 6.5	7 11.3	4 6.5
6	1 1.6	0 0.0	2 3.2	10 16.1	5 8.1	<b>14</b> <b>22.6</b>	6 9.7	11 17.7	9 14.5
7	3 4.8	4 6.5	3 4.8	8 12.9	5 8.1	11 17.7	10 16.1	9 14.5	5 8.1
8	1 1.6	1 1.6	9 14.5	4 6.5	8 12.9	1 1.6	<b>19</b> <b>30.6</b>	5 8.1	10 16.1
9	3 4.8	9 14.6	1 1.6	4 6.5	3 4.8	1 1.6	2 3.2	<b>13</b> <b>21.0</b>	<b>17</b> <b>27.4</b>
NA	4 6.5	4 6.5	4 6.5	4 6.5	4 6.5	4 6.5	4 6.5	4 6.5	4 6.5

N = 62

<sup>a</sup>Highest numbers and percentages in each category are in bold-face type.



## Discussion

Two frequencies, both found in Table 3, bear further discussion. The first one is the 24.2% agreement with the item that concerns the likelihood of a respondent's taking a report if the victim does not seem to be afraid. While a majority of the respondents disagreed, indicating that the victim's fear was not an issue, nearly a quarter of the respondents agreed. Why is this? One reason for agreement may be that respondents' experiences had taught them that if the victim did not show fear, she probably was in no real danger. Another might be that respondents may indeed feel that the victim is in some danger, but, because the victim does not insist that officers take action, they have a tendency to move on to the next thing. As with many other crimes, the police often have time to take care of only what the victim wants them to. In other words, if the victim doesn't take it seriously, the officers don't either, not necessarily because they don't feel that the victim may be in some danger, but because there are other things that they have to do. Thus, while most respondents suggest that they will investigate whether the victim shows fear or not, nearly a quarter of the respondents may also feel concern for the victim, but they will not take the case as seriously because they do not perceive fear.

It is also possible that respondents simply are not able to pick up any but the most overt signals of fear. Very often, the victim, after a fairly long period of abuse or terror, may be numb, and this numbness may come across as indifference. Hence, an officer might sense that perhaps the situation is simply not that serious. Hart (1996), in her discussion of the treatment of battered women by the criminal justice system, suggests that fear may also be a factor when victims deal with police, fear of both retaliation by the batterer and fear of what the batterer might do to the woman's children and other loved ones. Since many stalking victims have been involved with abusive ex-partners, many of who become

stalkers, it is possible that they, too, fear retaliation and further violence. Such numbness and fear may manifest themselves as a low affect, and victims may *appear to be* indifferent to police action.

A second point of interest is also found in Table 3. Under the category of whether police should educate victims about measures they can take to protect themselves, we find that 67.7% of respondents strongly agreed, while 30.6% agreed. Two questions arise. First, we need to consider what the respondents understand as “educating” victims, i.e., how would the respondents have interpreted this question? For instance, does educating entail merely suggesting certain strategies—such as recording the stalker’s calls and keeping a diary of his contacts—and/or giving the victim contact numbers of helping agencies? Or, second, does it entail suggesting strategies, taking time to go over them, and then perhaps following up with the victim to make sure that she does what is suggested and gets in touch with people who can provide support? While the questionnaire responses do not give us an answer to this dilemma, it may be possible to suggest that, in smaller communities like those represented here, officers may be able to take more time with each alleged victim as well as to check back to make sure that the advice is being followed. Certainly in a larger agency, where officers have to deal with many more calls for service, such personal attention may be impossible to provide.

The second question has to do with the role of the police officer. If to educate alleged victims of stalking means the first of the abovementioned strategies, does this suggest that the respondent sees him/herself as primarily a law enforcer? If to educate alleged victims of stalking means the second of the abovementioned strategies, does this suggest that the respondent sees him/herself as primarily a social or moral agent? Again, the information from the respondents does not enable us to answer these questions, but it may suggest that, in smaller communities, police officers will often see themselves in the role of moral agents,

whose responsibilities extend beyond the mere enforcement of the law to anticipation of problems and taking action to see that such problems do not worsen.

### **Limitations**

There are a number of weaknesses in the questionnaire that limit our ability to draw conclusions from its findings. One question that arose when I examined findings was this: Are the responses to this questionnaire specific to the crime of stalking, or do they reveal that police deal with stalking in the same manner that they deal with any other crime that involves personal danger? In other words, it is possible that the study merely reinforces current research about the decisions that police make when they consider arresting a suspect for *any* crime, not just stalking.

Also, the sample is quite small. It was conducted in late June and early July when a number of officers were on vacation. Consequently, it may not be representative of the attitudes of the two departments as a whole. Also, based on the information gathered from the sample, there is no way of verifying whether the responses of police officers and detectives correspond to their actions. For example, there is no way to verify how many stalking reports were filed or how many stalking arrests were made.

Further limiting the study are the locales from which the study is drawn. While Saginaw may be representative of a small city and Saginaw Township of a small- to medium-sized township, neither is representative of either larger or smaller cities, townships, or rural areas. Thus, while some tentative generalizations may be drawn concerning the responses of police in small urban and suburban areas to the crime of stalking, generalizations may not be drawn about such responses by police in larger or smaller urban areas.

Another limitation is that while I asked questions that were designed to elicit responses about ways in which police respond to and decide to investigate reports of stalking, I did

not ask respondents to address reasons for which they might *not* investigate a stalking report beyond the initial report. My assumption was that since stalking has the potential for danger, police would always investigate fully. What I failed to take into account was police discretion and prior knowledge of the victim and potential stalker. It is not uncommon for “victims” to report “crimes” to the police that their (the victims’) intimate or former intimate partners have perpetrated against them. This is often done merely to cause trouble for the ex-partner, and police with whom I spoke alluded to the fact that there were certain couples who regularly charged one another with a variety of crimes, including stalking. Often, however, the “victim” would later drop charges or, if the case went to trial, appear with his/her alleged perpetrator and testify that the two of them had reconciled. My study fails to take into account the possibility of these “false alarms.”

Finally, the study is limited because I did not provide a definition of stalking for the respondents, even though I tested their beliefs about the content of Michigan’s anti-stalking statutes. It is possible that different responders had different perceptions of what I meant by stalking. Their responses, then, may be based more on personal experience in dealing with crime in general than on the actual text of the stalking statutes themselves. Hence, different respondents may have been answering the questions based on different conceptions, definitions, or interpretations of stalking.

### **Conclusions**

Given these limitations, only the most general conclusions can be drawn; however, these conclusions seem instructive in that they may provide stalking researchers with responses that both challenge and support the contentions of recent research. Based on the responses from this sample, we may conclude the following:

First, stalking is taken seriously. The majority of the police officers and detectives who responded to the questionnaire placed stalking with the serious crimes of aggravated

assault, sexual assault, and murder. This seems consistent with police behavior and discretion. The less serious the crime, the more discretion police employ, while the more serious the crime, the less discretion (Senna & Siegel, 2002). Because their responses indicate that they take stalking seriously, it follows that their responses about actions taken in a case of stalking will support that. It is instructive to note the slimness of the majority (58%), however. While a majority may suggest that those researchers who feel that police do not take stalking seriously are wrong, the very slimness of that majority might also suggest that there is some validity in what such researchers contend—that stalking is not taken seriously enough.

This leads to a second conclusion, which is that stalking does not appear to be dealt with in ways that are different from how police officers and detectives deal with all serious or relatively serious crime. In other words, we might conclude that police do not see stalking as a unique crime that requires special attention or procedures. Instead, when dealing with stalking, police seem to apply the “one size fits all” approach that they use for dealing with most serious incidents. Hence, police responses and perceptions about stalking and how to deal with it seem sound, but their approach seems in no way innovative for such a unique crime. This conclusion is further supported by examining the factors that influence police to investigate a report of stalking after the initial report. Nearly 76% of respondents said that the two most influential factors were a stalker’s prior record and his past history of stalking. This supports research (Novak, Frank, Smith, & Engel, 2002; Rosecrance, 1988) that suggests that a suspect’s prior record, coupled with the seriousness of the offense, are the two major factors influencing police in taking action in all crimes. Since respondents tended to feel that stalking is serious, it follows that their response to it would be, also.

Based solely on the responses in this survey, may we conclude that, while stalking is perceived to be a serious crime, it is just one more in a list of serious crimes? And, as such, is it given standard police treatment? It would seem so. Can we generalize from this sample, however, about police behavior in the aggregate? Probably not. Nonetheless, this does offer a direction for future research.

### **Policy Implications**

How may the conclusions of this study be translated into effective police policy? While the research suggests any number of things that need to be done in dealing with stalking, this essay will concentrate on three of them.

1. *Treat Stalking as a Significant Social Problem.* Tjaden & Thoennes (1998) point out that stalking is a wide-ranging social problem, affecting approximately 1.4 million Americans each year. Studies by Bjerregaard (2000) and Fisher et al. (2002) of stalking on university campuses support Tjaden and Thoennes' findings. Both found stalking a prevalent problem on college campuses where young women and men interact in a variety of social situations, and both noted the long-lasting effects stalking had on its victims. Mullen et al. (2000) suggest that some steps have been taken in the right direction: "Stalking's emergence as a social issue and a new category of crime shares features with other similar categories that have come to prominence, including child sexual abuse, mugging and road rage" (p. 19). As with all social problems, stalking has a number of possible social causes; consequently, it will require various social remedies. Tjaden and Thoennes (1998) suggest that the mental health community be apprised of the deleterious effects of stalking and be prepared to deal with them.

The findings of the current study support these suggestions. Even though the sample from which the data is drawn is small, the number of stalking reports taken in a month by police officers indicate that many victims see themselves as the victims of stalking, and the

number also indicates that stalking is something that police officers deal with on a regular basis. Also, the study's finding that the number of stalking reports have either stayed the same or risen suggests that police are quite aware of stalking as a serious social problem in need of attention.

2. *Educate Police Officers and Detectives on MCL 750.411h and MCL 750.411i.* There is little argument about how serious stalking is. Wickens (1994) commented on the prevalence of stalking in Michigan:

Perhaps the most conclusive evidence of the existence of a stalking problem in Michigan has been the inordinate number of arrests under the new statutes. During the first seven months of 1993, when the statutes became effective, there were over 400 stalking warrants issued in Michigan for both misdemeanor [750.411h] and felony [750.411i] stalking. (p. 163)

"Touted as the toughest in the nation" (Wickens, p. 158), Michigan's laws have also stood up to constitutional challenges, especially on the grounds of vagueness or overbreadth. In *Staley v. Jones* (2001), the U.S. Court of Appeals for the Sixth Circuit held that MCL 750.411i was neither vague nor overbroad; hence, it is a constitutional statute and a strong weapon in law enforcement's battle against stalking. As with any weapon, however, it has to be used correctly. Data from this study suggests that while respondents seemed quite willing to intervene in stalking cases, there did seem to be some lack of clarity about when they could do this. There seemed to be some sense of confusion as whether or not police felt that they had to ascertain that victims had made clear, definite demands that stalkers leave them alone. Fifty-eight percent of respondents either agreed or strongly agreed that victims did have to clearly demand that the stalker leave them alone; 42% disagreed or strongly disagreed that such a demand needs to be made. It does appear, then, that some review of these laws are in order so that police do not inadvertently fail to act in a situation in which the victim has not told, or been able to tell, the alleged stalker to leave her alone.

3. *Provide Police and Other Criminal Justice Agencies with Specific Training to Deal with Stalking.* Tjaden and Thoennes (1998) contend that the criminal justice system needs to be made aware of the dangerous nature of stalking and its effects on victims. Mustaine and Tewksbury (1999) suggest that police agencies develop this awareness by keeping statistics related to stalking cases. Such evidence would help validate stalking as a *crime* that police would have to deal with, and, as Bjerregaard (2000) suggests, might be a catalyst in helping police arrive at innovative ways to protect stalking victims.

While the respondents in this study seem to understand how dangerous stalking is, it seems evident that this understanding comes more from experience with crimes in general than from any specific training they have been given. This is not, of course, to discount their experience. As has been noted, many of their responses correspond to current police approaches to criminal behavior. In fact, as was noted above, this may be why there was a lack of agreement on whether victims need to demand that stalkers leave them alone. In many ways, stalking is dealt with as are other crimes of an interpersonal nature, especially crimes that originate in a domestic setting. Police take these crimes seriously and deal with them according to what the law allows them to do. However, given the lack of time, resources, and manpower, police may be unable to give each report of stalking as much time as it deserves. The belief seems to be that they do what they can within the context of the law. If innovative ways to deal with stalking are to be implemented, it seems that they will have to come from the top.

### **Suggestions for Future Research**

Although the findings in this study are limited, they do break *some* ground in the area of police response to the crime of stalking. Despite how long stalking behavior has been with us, it is only in the past 10-15 years that it has been recognized as the crime that it is. And, given its pervasive, elusive, and dangerous nature, it is a crime that still requires a



good deal of research. One area that is in dire need of research is the one that is the focus of this study: the ways in which police respond to stalking. Since police are the first to take reports of stalking, it is vital that we know more about their strategies in order to evaluate them and, if necessary, suggest ways in which these strategies may be improved.

Unfortunately, the current study draws on too small of a sample to generalize from. Future research should concentrate on a number of police agencies in various jurisdictions.

Another focus of future research should be on measuring how well police are trained to deal with this unique crime. Although this study does not address the issue of training, some researchers have suggested that a crime as unique as stalking demands unique training. Involved in such research would be some measurement of how well acquainted police are with the stalking laws. A failing in the current study is that police officers were not given a definition of stalking on which to base their responses. Consequently, their answers may have been based on personal experiences or even department standards on what constituted stalking.

Another possible area of research would be into what actually happens to stalking reports after they are taken. The majority of respondents in the current study suggest that police officers, after doing a short investigation, turn the reports over to detectives. We do not know what happens to them after that, however. A study that would follow stalking reports from the time they were taken to the time that the cases are closed could reveal (1) how many reports actually were investigated further, (2) how thoroughly they were investigated, and (3) how many arrests are actually made for the crime of stalking.

Finally, further research could examine the process of taking a case of stalking to trial. Such research could examine both police experiences in testifying at pretrial hearings and trials, and police experiences with providing background to prosecutors who are preparing for stalking cases. Research could also determine how often those who were *accused of*

stalking were actually *charged* with stalking. In other words, how often do prosecutors agree or disagree with the charge? Since stalking is actually an amalgam of crimes, it is possible that prosecutors may occasionally choose to prosecute a more serious crime—i.e., aggravated assault or attempted murder—that occurred during the stalking event. It is also possible that they may charge the suspect with a crime less serious than stalking.

Regardless, such research would provide valuable data by which to understand the strengths and weaknesses in the current approaches by law enforcement to the elusive crime of stalking.

## Footnotes

<sup>1</sup> Fortunately, Saldana would not die as a result of the attack. A deliveryman who was in the area at the time witnessed the attack and subdued her attacker.

<sup>2</sup> The focus will be on male stalkers and their female victims. Although there are documented cases of women stalking men as well as of same-sex partner stalking, discussion of these is beyond the scope of this paper.

<sup>3</sup> One characteristic that is not included is race. While some research has been done on it, it is beyond the scope of this paper to consider.

<sup>4</sup> In Michigan, stalking is a misdemeanor unless the stalker makes a threat to harm or kill the victim. In this event, it becomes aggravated assault and is a felony. In addition, violation of a personal protection order elevates stalking to felony status (See Appendices B and C).

<sup>5</sup> While it would be informative to examine within-group variations in responses by using cross-tabulations, the small sample size restricted the choice of analytic techniques. Nonetheless, cross-tabulations were run in hopes of comparing attitudes of male and female officers as well as attitudes of city and township officers. In the contingency tables produced by the cross-tabulation procedure, "a rule of thumb minimum generally agreed upon is 5 for any individual cell" (Arkin & Colton, 1970, p. 140). Many of the cells in the contingency tables that were generated had expected counts of less than five; in fact, many of the counts were zero. Hence, cross-tabulations were not reported on.

<sup>6</sup> Certain officers evidently misread the rankings to mean that 1 was most serious while 9 was least serious. Nothing else that accounts for some officers ranking Loud Music/Party as the most serious incident and ranking murder as the least serious incident.

## Appendix A

### Informed Consent Information Sheet

#### **Title of Research Study: Police Views and Responses to Stalking**

Principal Investigator: James Geistman

#### **Introduction and Purpose:**

Research is being conducted at Wayne State University by James Geistman, a Master's candidate in Criminal Justice. The purpose of the research is to examine police officers' views of and responses to stalking.

You have been chosen to participate because you are a police officer who may have experience with stalking cases.

#### **Procedure:**

As a participant in this study, you will be asked to complete a twenty nine item questionnaire about your experiences, views, and responses to stalking.

#### **Benefits:**

While there may be no direct benefit to you, information from this study will benefit Mr. Geistman as well as other researchers who study victims of stalking.

#### **Risks:**

Since your identity will be kept strictly anonymous, there is no risk to participating in the study.

#### **Voluntary Participation/Withdrawal:**

Your participation in this study is completely voluntary, and you may withdraw at any time.

#### **Costs:**

It will cost you nothing to be involved in this study.

#### **Compensation:**

You will receive no monetary payment of any kind for your participation in this study. No reimbursement or compensation is offered by Wayne State University or Mr. Geistman.

**Confidentiality:**

All information collected during the course of this study will be kept confidential to the extent permitted by law. You will not be identified in any way in research records. Information from this study may be published, but your identity will remain completely anonymous in any publications.

**Questions:**

If you have any questions, you may contact Mr. Geistman by telephone at (313) 577-5552 or by email at [al9322@wayne.edu](mailto:al9322@wayne.edu). If you have any questions about your rights as a research subject, the Chair of the Human Investigation Committee can be contacted at (313) 577-1628.

## QUESTIONNAIRE ON STALKING

---

### I. Your Attitudes toward Stalking.

Please respond to each of the following items by placing a check in the box to the left of the choice that best represents your answer.

SA = Strongly Agree, A = Agree, D = Disagree, and SD = Strongly Disagree

- |   |                             |                            |                            |                             |
|---|-----------------------------|----------------------------|----------------------------|-----------------------------|
| 1. A stalker is merely a misguided individual, not a criminal.  | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 2. If the person who reports stalking doesn't seem to be afraid, I am less likely to take the report as seriously.                  | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 3. It is important for police to educate stalking victims about measures they can take to protect themselves.                       | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 4. Stalking victims, especially females, are often overreacting to a harmless situation.  | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 5. If the alleged stalker says he/she is trying to save his/her marriage or relationship, I am less likely to get involved.         | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 6. Stalking is a serious crime that a police agency should deal with immediately.   | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 7. Before calling the police, people who feel they are being stalked should demand that their stalker leave them alone.             | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
| 8. When stalking is reported, a police officer should contact the alleged stalker to warn him/her to stay away from his/her victim. | <input type="checkbox"/> SA | <input type="checkbox"/> A | <input type="checkbox"/> D | <input type="checkbox"/> SD |
- 

### II. Incidents that Influence How You Deal with Stalking.

Please respond to how much influence each of the following items have in your decision to investigate a report of stalking by placing a check in the box to the left of the choice that best represents your answer.

SI = Strongly Influence, I = Influence, LI = Little Influence, and NI = No Influence

9. If the victim has filed a Personal Protection Order against the alleged stalker.  SI  I  LI  NI
10. If the victim has been contacted personally by the alleged stalker.  SI  I  LI  NI
11. If the victim has been contacted by telephone by the alleged stalker.  SI  I  LI  NI
12. If the victim has been given an unwanted gift by the alleged stalker.  SI  I  LI  NI
13. The sex of the victim.  SI  I  LI  NI

### III. Your Experience With Stalking Cases.

Please check the appropriate box and provide written information where necessary.

14. On average, how many reports of stalking do you take in a month?  None  
 One - Three  
 Four - Seven  
 Eight - Ten  
 More than 10 (Please specify the number)  
 \_\_\_\_\_
15. How are stalking reports investigated in your agency?  If a patrol officer takes the report, he/she investigates.  
 If a detective takes the report, he/she investigates.  
 If a patrol officer takes the report, he/she does a brief investigation but then turns it over to a detective.  
 If a patrol officer takes the report, he/she immediately turns it over to a detective.

16. Which of the following factors lead you to investigate a stalking report beyond the initial report? (Check all that apply)

- The relationship between the victim and the alleged stalker.
- The number of times the alleged stalker has contacted the victim.
- Whether the victim felt frightened or not.
- The amount of time I have during my shift.
- Whether the alleged stalker has a criminal record.
- Whether the alleged stalker has stalked other victims.
- Whether the victim has a Personal Protection Order against the alleged stalker.
- Other (please specify):

17. Who is more likely to be a stalker, a man or a woman?

- Man       Woman

18. On a scale of 1-9, with 1 being the **least serious** and 9 being the **most serious**, rank the following incidents. **Please assign each incident a separate number, i.e., do not assign two 3's.**

- \_\_\_\_\_ A. Burglary
- \_\_\_\_\_ B. Vandalism
- \_\_\_\_\_ C. Larceny
- \_\_\_\_\_ D. Murder
- \_\_\_\_\_ E. Stalking
- \_\_\_\_\_ F. Loud Music/Party
- \_\_\_\_\_ G. Aggravated Assault
- \_\_\_\_\_ H. Motor Vehicle Theft
- \_\_\_\_\_ I. Sexual Assault

19. On a scale of 1-9, with 1 being the **least serious** and 9 being the **most serious**, rank the following that you feel is the most serious threat to a stalking victim. **Please assign each incident a separate number, i.e., do not assign two 3's.**

- \_\_\_\_\_ 1. Wife
- \_\_\_\_\_ 2. Acquaintance
- \_\_\_\_\_ 3. Boyfriend
- \_\_\_\_\_ 4. Relative
- \_\_\_\_\_ 5. Ex-Husband
- \_\_\_\_\_ 6. Ex-Boyfriend
- \_\_\_\_\_ 7. Husband
- \_\_\_\_\_ 8. Ex-Wife
- \_\_\_\_\_ 9. Stranger

20. In an average year, how many times do you arrest people on stalking charges?

- None
- One - Three
- Four - Seven
- Eight - Ten
- More than Ten (Please specify the number)

\_\_\_\_\_



21. Would you say that, in the last five years, the number of stalking reports has risen, fallen, or remained about the same?
- Risen  
 Fallen  
 Remained about the same

#### IV. Who You Are.

22. What is your gender?  Male  Female
23. What is your age?  
 21 - 29  
 30 - 39  
 40 - 49  
 50 - 59  
 Other (Please specify) \_\_\_\_\_
24. Are you a detective or a patrol officer?  Detective  Patrol Officer
25. How many years have you been with this agency? \_\_\_\_\_ years
26. What is your current marital status?  
 Married  
 Divorced  
 Separated  
 Remarried  
 Single, Never Married
27. What is your ethnic background?  
 African-American  
 Asian  
 Hispanic  
 White  
 Other (Please specify)  
 \_\_\_\_\_
28. Check your highest level of formal education.  
 High School or G.E.D.  
 Some College or Trade School  
 College Graduate  
 Some Post-Graduate Work  
 Advanced Degree

29. If there is more information you wish to provide, please write it in the space provided or on the back of the pages of the questionnaire. You may also email me at: [al9322@wayne.edu](mailto:al9322@wayne.edu)

---



---



---



---



## Appendix B

### **750.411h Stalking; definitions; violation as misdemeanor; penalties; probation; conditions; evidence of continued conduct as rebuttable presumption; additional penalties.**

Sec. 411h.

(1) As used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

(b) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(c) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(d) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(e) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

(i) Following or appearing within the sight of that individual.

(ii) Approaching or confronting that individual in a public place or on private property.

(iii) Appearing at that individual's workplace or residence.

(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

(f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(2) An individual who engages in stalking is guilty of a crime as follows:

(a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

(a) Refrain from stalking any individual during the term of probation.

(b) Refrain from having any contact with the victim of the offense.

(c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.

(4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

**History:** Add. 1992, Act 260, Eff. Jan. 1, 1993 ;--Am. 1997, Act 65, Eff. Mar. 31, 1998 .

## Appendix C

**750.411i Definitions; aggravated stalking; circumstances; violation as felony; penalty; probation; additional conditions of probation; effect of continued course of conduct; rebuttable presumption; additional penalty.**

Sec. 411i.

(1) As used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

(b) "Credible threat" means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.

(c) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(d) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(e) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(f) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

(i) Following or appearing within the sight of that individual.

(ii) Approaching or confronting that individual in a public place or on private property.

(iii) Appearing at that individual's workplace or residence.

(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

(g) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(2) An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances:

(a) At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction.

(b) At least 1 of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.

(c) The course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.

(d) The individual has been previously convicted of a violation of this section or section 411h.

(3) Aggravated stalking is a felony punishable as follows:

(a) Except as provided in subdivision (b), by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, by imprisonment for not more than 10 years or a fine of not more than \$15,000.00, or both.

(4) The court may place an individual convicted of violating this section on probation for any term of years, but not less than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

(a) Refrain from stalking any individual during the term of probation.

(b) Refrain from any contact with the victim of the offense.

(c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.

(5) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(6) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for contempt of court arising from the same conduct.

**History:** Add. 1992, Act 261, Eff. Jan. 1, 1993 ;--Am. 1997, Act 65, Eff. Mar. 31, 1998.

## References

- Aggravated Stalking, 39 Mich. Comp. Laws Ann. § 750.411i (2003).
- Arkin, H., & Colton, R. R. (1970). *Statistical methods*. New York: Barnes & Noble.
- Bjerregaard, B. (1996). Stalking and the First Amendment: A constitutional analysis of state stalking laws. *Criminal Law Bulletin*, 32, 307-341.
- Bjerregaard, B. (2000). An empirical study of stalking victimization. *Violence and Victims*, 15, 389-406.
- Brewster, M. P. (2002). Stalking by former intimates: Verbal threats and other predictors of physical violence. In K. E. Davis, I. H. Frieze, & R. D. Maiuro (Eds.), *Stalking: Perspectives on victims and perpetrators* (pp. 292-311). New York: Springer Publishing.
- Buzawa, E. S., & Buzawa, C. G. (1996). Introduction. In E. S. Buzawa, & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp. 1-13). Thousand Oaks, CA: Sage Publications.
- Coulter, M. L., Kuehnle, K., Byers, R., & Alfonso, M. (1999). Police-reporting behavior and victim-police interactions as described by women in a domestic violence shelter. *Journal of Interpersonal Violence*, 14, 1290-1298.
- Crompton, V., & Kessner, E. Z. (2003). *Saving beauty from the beast: How to protect your daughter from an unhealthy relationship*. Boston: Little, Brown.
- De Becker, Gavin. (1997). *The gift of fear: Survival signals that protect us from violence*. New York: Dell.
- Dunn, J. L. (2002). *Courting disaster: Intimate stalking, culture, and criminal justice*. Hawthorne, NY: Aldine de Gruyter.
- Emerson, R. M., Ferris, K. O., & Gardner, C. B. (1998). On being stalked. *Social Problems*, 45, 289-315.



- Felder, R., & Victor, B. (1997). *Getting away with murder: Weapons for the war against domestic violence*. New York: Touchstone.
- Fisher, B. S., Cullen, F. T., & Turner, M. G. (2002). Being pursued: Stalking victimization of college women. *Criminology & Public Policy*, 1, 257-308.
- Gardner, T. J., & Anderson, T. M. (2003). *Criminal law* (8th ed.). Belmont, CA: Wadsworth.
- Garner, B. A. (Ed.). *Black's law dictionary* (7th ed.). St. Paul, MN: West Group.
- Goldstein, J. (2002). Police discretion not to invoke the criminal process: Low-visibility decisions in the administration of justice. In G. F. Cole, M. G. Gertz, & A. Bunker (Eds.), *The criminal justice system: Politics and policies* (pp. 109-126). Belmont, CA: Wadsworth.
- Hall, D. M. (1998). The victims of stalking. In J. R. Meloy (Ed.) *The psychology of stalking: Clinical and forensic perspectives* (pp. 113-137). San Diego: Academic Press.
- Harmon, R. B., Rossner, R., & Owens, H. (1995). Sex and violence in a forensic population of obsessional harassers. *Psychology, Public Policy, and Law*, 4, 236-249.
- Hart, B. (1996). Battered women in the justice system. In E. S. Buzawa & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp. 98-114). Thousand Oaks, CA: Sage Publications.
- Holt, V. L., Kernic, M. A., Lumley, T., Wolf, M. E., & Rivara, F. P. (2002, August 7). Civil protection orders and risk of subsequent police-reported violence. *Journal of the American Medical Association*, 288, 589-594.
- Ingham County, MI Homepage. <http://www.ingham.org/bc/wom/stalking.htm>
- Kamir, Orit. (2001). *Every breath you take: Stalking narratives and the law*. Ann Arbor, MI: University of Michigan Press.
- Katz v. *United States* 389 U. S. 347 (1967).
- Kropp, P. R., Hart, S. D., & Lyon, D. R. (2002). Risk assessment of stalkers: Some problems and possible solutions. *Criminal Justice and Behavior*, 29, 590-616.

- Lemon, N. K. D. (1994). Domestic violence & stalking: A comment on the model anti-stalking code proposed by the National Institute of Justice. *Violence Against Women Online Resources*. University of Minnesota: Office of Violence Against Women.  
<http://www.vaw.umn.edu/BWJP/stalking.htm>
- McFarlane, J. M., Campbell, J. C., Wilt, S., Sachs, C. J., Ulrich, Y., & Xu, X. (1999). Stalking and intimate partner femicide. *Homicide Studies, 3*, 300-316.
- McFarlane, J., Willson, P., Lemmey, D., & Malecha, A. (2000). Women filing assault charges on an intimate partner: Criminal justice outcome and future violence experienced. *Violence Against Women, 6*, 396-408.
- Meloy, J. R. (1998). The psychology of stalking. In J. R. Meloy (Ed.) *The psychology of stalking: Clinical and forensic perspectives* (pp. 1-23). San Diego: Academic Press.
- Melton, H. (2000). Stalking: A review of the literature and direction for the future. *Criminal Justice Review, 25*, 246-262.
- Mullen, P. E., Pathe, M., & Purcell, R. (2000). *Stalkers and their victims*. Cambridge, UK: Cambridge University Press.
- Mullen, P. E., Pathe, M., Purcell, R., & Stuart, G. W. (1999). Study of stalkers. *American Journal of Psychiatry, 156*, 1244-1249.
- Mustaine, E. E., & Tewksbury, R. (1999). A routine activity theory explanation for women's stalking victimizations. *Violence Against Women, 5*, 43-62.
- Novak, K. J., Frank, J., Smith, B. W., & Engel, R. S. (2002). Revisiting the decision to arrest: Comparing beat and community officers. *Crime and Delinquency, 48*, 70-89.
- Palarea, R. E., Zona, M. A., Lane, J. C. Langhinrichsen-Rohling, J. (1999). The dangerous nature of intimate relationship stalking: Threats, violence, and associated risk factors. *Behavioral Sciences and the Law, 17*, 269-283.

- Reichert, J. L. (2000, November). Victims of intimate partner violence doubt criminal justice system, study says. *Trial*, 36, 112-113.
- Rosecrance, J. (1988). Maintaining the myth of individualized justice: Probation presentence reports. *Justice Quarterly*, 5, 235-256.
- Saunders, R. (1998). The legal perspective on stalking. In J. R. Meloy (Ed.) *The psychology of stalking: Clinical and forensic perspectives* (pp. 25-49). San Diego: Academic Press.
- Schaum, M., & Parrish, K. (1995). *Stalked: Breaking the silence on stalking in America*. New York: Pocket.
- Senna, J. J., & Siegel, L. J. (2002). *Introduction to criminal justice* (9th ed.). Belmont, CA: Wadsworth.
- Sheridan, L., Davies, G. M., & Boon, J. C. W. (2001a). Stalking: Perceptions and prevalence. *Journal of Interpersonal Violence*, 16, 151-167.
- Sheridan, L., Davies, G. M., & Boon, J. C. W. (2001b). The course and nature of stalking: A victim perspective. *The Howard Journal*, 40, 215-234.
- Sherman, L. W. (1992). *Policing domestic violence: Experiments and dilemmas*. New York: The Free Press.
- Staley v. Jones* 239 F. 3d 769 (6th Cir. 2001).
- Stalking, 39 Mich. Comp. Laws Ann. § 750.411h (2003).
- Tjaden, P., & Thoennes, N. (1998). *Stalking in America: Findings from the National Violence Against Women survey*. Washington, DC: National Institute of Justice. (NCJ 169592)
- Tjaden, P., & Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Washington, DC: National Institute of Justice. (NCJ 181867)
- United States Census Bureau (n.d.). *American Fact Finder*. Retrieved August 7, 2003, from <http://factfinder.census.gov/servlet/BasicFactsServlet>

United States Department of Justice. Bureau of Justice Statistics (n.d.). *Crime in 2000*. Retrieved April 2, 2003, from <http://149.101.22.40/dataonline/Search/Crime/State/RunCrimeOneYearofData.cfm>

United States Department of Justice. Bureau of Justice Statistics (n.d.). *Law Enforcement Management and Administrative Statistics: Local Agency Profile*. Retrieved August 8, 2003, from <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Law/Local/LocalGetJuris.cfm>

Walker, L. E., & Meloy, J. R. (1998). Stalking and domestic violence. In J. R. Meloy (Ed.) *The psychology of stalking: Clinical and forensic perspectives* (pp. 139-161). San Diego: Academic Press.

Walker, S. (2001). *Sense and nonsense about crime and drugs: A policy guide* (5th ed.). Belmont, CA: Wadsworth.

Wattendorf, G. E. (2000, March). Stalking-investigation strategies. *FBI Law Enforcement Bulletin*, 69, 10-14.

Westrup, D., Fremouw, W. J., Thompson, R. N., & Lewis, S. F. (1999). The psychological impact of stalking on female undergraduates. *Journal of Forensic Science*, 44, 554-557.

Wickens, J. C. (1994). Michigan's new anti-stalking laws: Good intentions gone awry. *The Detroit College of Law Review*, 2, 157-216.

Zalman, M. (2002). *Criminal procedure: Constitution and society* (3rd ed.). Upper Saddle River, NJ: Prentice-Hall.

Zona, M. A., Palarea, R. E., & Lane, J. C. (1998). Psychiatric diagnosis and the offender-victim typology of stalking. In J. R. Meloy (Ed.) *The psychology of stalking: Clinical and forensic perspectives* (pp. 69-84). San Diego: Academic Press.

## **ABSTRACT**

### **POLICE RESPONSES TO STALKING**

by

HAROLD JAMES GEISTMAN JR.

December 2003

Advisor: Dr. Brad Smith  
Major: Criminal Justice  
Degree: Master of Science

Most of the literature on stalking discusses numerous aspects of the crime, including who stalkers are, how to recognize if you are being stalked, and what to do if you are being stalked; however, little if any of this literature deals specifically with the way in which police deal with stalking. This study was conducted in an effort to begin to fill this void. Police officers and detectives in one small Midwestern city and a medium-sized Midwestern township were given questionnaires in which they responded to questions about their attitudes toward stalking, influences on how they dealt with stalking, and their experiences with stalking. The majority of the respondents were married white male patrol officers, between the ages of 30-49. In order to gather the data, the researcher visited all roll calls during one day at each of the two agencies and administered the questionnaires. The response rate was 92% in the City and 100% in the Township. There were two major findings. First, respondents take stalking quite seriously. Second, stalking does not appear to be dealt with in ways that are different from how respondents deal with any serious or

relatively serious crime. Respondents do not seem to view stalking as a unique crime that requires special attention or procedures. There are three policy implications based on these findings: treat stalking as a significant social problem; educate police officers and detectives more thoroughly on Michigan's anti-stalking laws; and provide police and other criminal justice agencies with specific training to deal with stalking.

## **AUTOBIOGRAPHICAL STATEMENT**

### **HAROLD JAMES GEISTMAN JR.**

Harold James (Jim) Geistman Jr. is a native of Saginaw, Michigan. He graduated from Arthur Hill High School in 1972 and received a Bachelor of Arts degree from Saginaw Valley State University in 1979, majoring in English and minoring in Sociology.

In 1984, he received a Masters degree in Teaching English in a Community College from Central Michigan University. He has taught American literature and composition at the community college and university level since graduating from CMU. He was a full-time faculty member of the SVSU English Department from 1991–2002.

During those twelve years, he took courses in Criminal Justice, attaining a second major in 2002. It was at this time that he made the decision to pursue graduate degrees in Criminal Justice and Sociology. In the Fall of 2002, he began the Masters program in Criminal Justice at Wayne State University. This thesis is the culmination of a year of full-time study which has led to a second masters degree in Criminal Justice. Currently, Mr. Geistman is teaching in the department of Criminal Justice at SVSU while he pursues a Ph.D. in Sociology at Wayne State University.