The Rise of Cyberstalking

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INTRODUCTION

Until 25 years ago the term stalking was principally associated with hunting deer, now the word is increasingly used to describe a serious, life-altering, and sometimes life-ending crime in which a person is obsessively pursued by another. This change began in the late eighties after a series of high profile stalking cases that ended in tragedy. The most often cited case is that of Rebecca Shaeffer, a young American actress who was stalked and murdered by a male fan. Following her death California, the State in which Shaeffer lived, became the first to legislate against stalking and within a matter of years every American State had a law prohibiting the behaviour.

The first law in the UK to deal with stalking behaviour, the Protection from Harassment Act (England and Wales) was passed in 1997 after a successful campaign lead by survivors and charities. During the campaign, advocates successfully argued that the new law should be drafted to prohibit patterns of behaviour that cause distress and/or fear rather than contain a rigid list of specific behaviours that could constitute stalking. It was argued that stalkers would find ways around the list thereby protecting themselves from criminal prosecution whilst continuing to cause distress to the victim, and rendering the law ineffective. This proved to be an important decision in protecting future victims from stalking, especially those targeted online.

In 1998, the first full year since the implementation of the Protection from Harassment Act (PHA) 1997, only 9% of Great Britain's households had access to the Internet (Office National Statistics 2008; Maple et al., 2012). By 2012, 85% of Great Britain's households had used the Internet in the last three months (Office National Statistics 2012). Given that that the Internet is now so embedded into UK culture it is unsurprising that criminals have found numerous ways to use the Internet to commit crimes such as financial fraud and identity theft (Fafinski et al., 2009), and that stalking has evolved to make use of the Internet. The phenomenon of using technology or computer assisted means to stalk has become known as cyberstalking.

Researchers have debated whether cyberstalking is an entirely new phenomenon (Pittaro, 2007; Bocij, 2002; Bocij & McFarlane, 2003) or whether it is another tool in a stalker's arsenal (Ogilvie, 2000; Sheridan & Grant, 2007; Haron et al., 2010). In many cases stalking will not consist of purely online or offline behaviours but will be a combination of both (Sheridan & Grant, 2007; Maple et al., 2011). As such it should be asserted that cyberstalking is an evolution of stalking and that there are more similarities than differences between the two types of crime.

However differences do exist and it is therefore important to develop a more comprehensive picture of how stalking has evolved. In the absence of this new understanding it will be difficult to successfully investigate the crime, prosecute offenders and support victims. This article will show how, whilst stalking is not a new phenomenon, the rise of the Internet has meant stalking has become more pervasive and harder to detect.

Research into victims of stalking has predominantly found that men will account for 10-20% of victims (Sheridan & Grant, 2007; National Stalking Helpline, 2013; Mullen, Pathé, & Purcell, 2008). However research into cyberstalking has found that between one third and a half of victims are male (D'Ovidio & Doyle 2003; Finkelhor et al., 2000; Alexy et al., 2005; Maple et al., 2011). Maple et al. (2011) also found that male and female victims of cyberstalking report different primary fears, with women primarily being fearful of physical assault whilst men report being most fearful of loss of reputation.

STALKING

The National Centre for Cyberstalking Research (NCCR) conducted a survey which aimed to communicate the diversity of the population who define themselves as having been cyberstalked and the particular trauma related thoughts and beliefs that victims have reported. In this survey, titled the Electronic Communications Harassment Observation (ECHO) Pilot, participants aged 14- 74 were asked numerous questions about their experiences and perceptions of their stalking ordeal. There were 353 participants, 240 of whom were female and 109 male. Respondents to ECHO were asked, among other things, about their major fears when encountered by a stalker. Responses revealed differences in the primary fears of males and females, with males primarily fearing damage to reputation whilst females tended to primarily fear physical damage. ECHO's results on the description of harasser and the first point of contact are of particular use to legislators. In these sections it was revealed that in 54% of stalking cases the offender and victim met offline. Similarly, ECHO found that the identity of the stalker was known prior to commencement of stalking in 83% of cases and that in only 22% of cases was the stalker a stranger prior to the commencement of stalking.

Crucially for law makers, ECHO found that in an overwhelming majority of cases, 76%, the stalker made use of both online and offline stalking techniques. Cyberstalking should not be described as a new phenomenon. Whilst new offenders may solely utilise electronic communications, it is an evolution of an existing problem with the majority of offenders making use of new technologies. As such our understanding must evolve to keep pace with the changing motivations, techniques and frameworks of victimisation evident in cyberstalking cases.

Victims of stalking and cyberstalking can experience anxiety, depression, insomnia, Post Traumatic Stress Disorder (PTSD) and a wide range of other emotional, psychological and physical difficulties (Maple et al., 2011; Sheridan & Grant, 2007; Alexey et al., 2005). The NCCR found that in 34.9% of respondents to the ECHO survey showed all symptoms of PTSD. Figures from the British Crime Survey 2011 found that 1 in 5 women and 1 in 10 men will be stalked at some point in their life (Smith et al., 2011). This demonstrates that stalking is one of the most common forms of interpersonal violence, whilst the findings from the ECHO survey indicate how serious the impact of cyberstalking can be.

Stalking crosses all boundaries, permeating every level of society. Anyone can be a victim no matter their age, sex, sexuality, ethnicity or socio-economic status (Tjaden & Thoennes, 1998; Mullen & Pathe, 1997; Sheridan 2001). Equally stalkers can be anyone, from an ex-partner to a colleague, neighbour or stranger (Mullen et al., 2008; Sheridan, 2001). While the NCCR found that in 40% of cases the stalking involved a close relationship that had gone awry, there were also a significant number of cases involving a complete stranger, 22%. It has been found that women are more likely to be stalked than men with many studies finding that around 80% of victims are women (National Stalking Helpline, 2013; Mullen et al., 2008; Sheridan, 2007; Tjaden & Thoennes, 1998).

There is also an evident difference between offenders of different genders. Male and female cyberstalkers have been found to use different methods as well as targeting different types/genders of victims. Female stalkers are more likely than men to target someone known to them, with one study finding that 95% of female stalkers knew their victim (Mullen et al., 2008). Male stalkers almost universally target female victims whilst female stalkers have been found to almost equally target men and women (Sheridan & Lyndon, 2010; Mullen et al., 2008). Whilst male and female stalkers often use similar methods to stalk, some studies have found differences. Telephone calls for example, seem to be favoured by female offenders and following was preferred by males (Mullen et al., 2008; Meloy & Boyd, 2003). Both male and female victims of stalking have been found to view male stalkers as more threatening than females (Spitzberg et al., 2010). Considering these differences in offline stalking, it can be hypothesized that differences will exist between the sexes in cases of cyberstalking. These differences could affect both the prevalence and the primary fears of men and women. More research is needed into the gender differences involved with cyberstalking.

Many cyberstalking incidents end in violence; violence has been estimated to occur in 30 – 40% of stalking cases (Roberts, 2005; Rosenfield & Harmon, 2002; Spitzberg & Cupach, 2007). One of the most significant risk factors found to indicate escalation to violence is the relationship between the victim and perpetrator. Stalking perpetrated by relational stalkers

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