

# Conceptualizing the Duration of Stalking Episodes: The Principle of Retroactive Identification

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Special to CJI

**E**arly stalking behaviors, which are initially dismissed by victims as harmless gestures, will be identified as behaviors composing a continuous stalking episode once the victim realizes that he/she is being stalked. This retroactive identification of previous latent stalking behaviors provides an empirically based explanation for delays in reporting stalking episodes to authorities and rationalizes inconsistent research results associated with stalking episode durations. Recognizing both the latent and overt stalking behaviors influences more accurate measures of durations of stalking incidents and understanding of stalking episodes.

## Introduction

Authorities responsible for investigating and prosecuting<sup>1</sup> stalking cases, along with those responsible for counseling and assisting stalking victims, need to be aware of an intrinsic characteristic of stalking events that causes victims to delay reporting of stalking incidents.<sup>2</sup> When victims make initial reports of stalking episodes to authorities, the duration of the episode may span several days or even years. No negative inferences should be drawn regarding the delayed reporting until an interview has been conducted with the victim; it is plausible that the victim did not realize that she<sup>3</sup> was being stalked for an extended period of time because the initial stalking behaviors weren't immediately identified as nefarious stalking behaviors. Early stalking behaviors, which can initially be dismissed as harmless gestures, are later identified as acts composing a continuous stalking episode once the victim realizes that she is being stalked.

This article identifies the principle of retroactive identification of previously latent stalking behaviors (retroactive identification). The principle is important for several reasons. First, authorities can be skeptical when victims postpone reporting

crimes. Understanding the concept of retroactive identification will provide an empirically based explanation for a victim's delay in reporting of initial stalking behaviors. Secondly, the principle provides a rational explanation for research results that report inconsistent durations of stalking episodes. Finally, the article, through its explanation of retroactive identification, will assist researchers and practitioners to better understand the evolution of stalking episodes.

## Stalking's Public Face

Stalking is not new to society, however, its recognition is. The concept of stalking as a criminal offense was only realized about fifteen years ago. The 1989 murder of actress Rebecca Schaeffer essentially publicized the seriousness of stalking in the

United States and precipitated the enactment of anti-stalking laws.<sup>4</sup> Research on stalking is limited due to its infancy in the legal and academic milieus.<sup>5</sup>

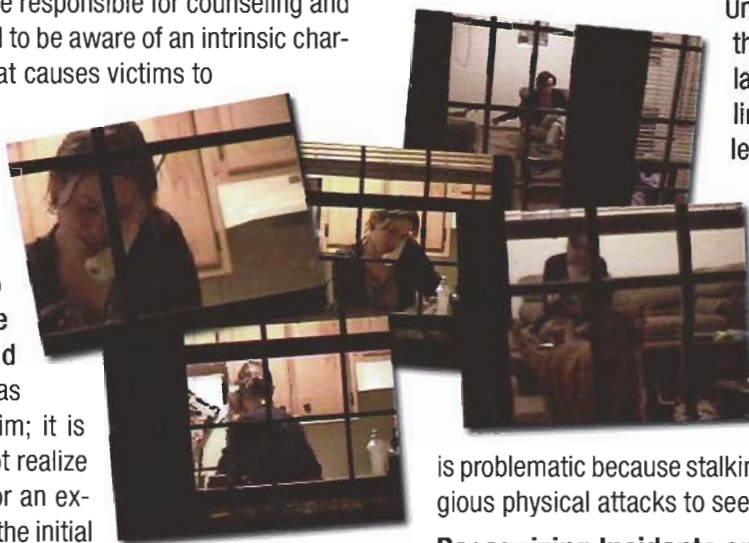
Lawmakers and researchers have primarily focused on identifying specific behaviors associated with stalking<sup>6</sup> along with victim and suspect typologies.<sup>7</sup> While laws can legally define stalking, recognizing it

is problematic because stalking behaviors range from egregious physical attacks to seemingly innocent actions.<sup>8</sup>

## Recognizing Incidents and Episodes

Stalking is generally defined as a repetitive harassing or threatening behavior that creates a credible fear of harm for the person at which the behavior is targeted.<sup>9</sup> A *stalking behavior* is a singular harassing or threatening act directed at a victim.<sup>10</sup> The behaviors are commonly actions to restore an ended relationship, to establish a relationship, or due to resentment.<sup>11</sup> The aggregate sum of the behaviors perpetrated by one individual against another person is referred to as a *stalking episode*. In the context of a stalking episode, the behaviors are also called *stalking incidents*.<sup>12</sup>

The recognition of a stalking incident is a formidable challenge for several reasons. First, stalking survey respondents



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dispute which individual, non-violent acts constitute stalking incidents and behaviors.<sup>13</sup> This uncertainty among victims makes recognizing and identifying the particular behaviors that constitute stalking episodes an arduous task.<sup>14</sup> Police and victims can be naive in recognizing behaviors that are the initial stages of a stalking episode. This oversight occurs because the behaviors often appear as innocuous gestures by acquaintances and strangers, reunification attempts, or acts of resentment by former relationship partners.<sup>15</sup> Often, the same behaviors are

associated with everyday occurrences in relational development. Researchers have defined the behaviors that occur prior to the acknowledgment by a victim of stalking as pre-stalking behaviors.<sup>16</sup> The term pre-stalking as a lexicon on this topic is contradictory



to the notion of retroactive identification because the prefix "pre" implies that pre-stalking behaviors occur before and are separate from a stalking episode. This article suggests the use of the term pre-recognition behaviors to identify the latent stalking behaviors that occur prior to the recognition of an episode by a victim.

Victims do not perceive the threat of being stalked until varying periods during an episode. The duration of this pre-recognition phase can therefore vary immensely. As the behaviors escalate in seriousness or become more frequent, stalking is more likely to be acknowledged. The recognition of being stalked is based on the accumulation of a victim's suspicions.<sup>17</sup> Once the victim acknowledges an entire stalking episode is occurring, she will associate the pre-recognition behaviors as components of the stalking episode. These latent behaviors that were retroactively identified are now intrinsic components of the aggregate stalking episode.

Pre-recognition behaviors can be viewed equivocally when associated with a stalking episode. Pre-recognition behaviors are

identical to behaviors commonly used in relational development; therefore, it can be argued that they should not be considered stalking behaviors but rather precursors to an episode.<sup>18</sup> However, because the victim retroactively identifies the pre-recognition behaviors as the initial stages of an episode, they should be considered as the initial stalking behaviors. A key element of stalking is repetition and continuity. There will always be retroactive identification of stalking episodes regardless of the duration of the pre-recognition phase. One harassing incident does not constitute a stalking episode. However, that same incident, when followed by additional harassing or threatening actions by the same perpetrator and directed at the same victim, could be considered a stalking behavior. Furthermore, stalking episodes represent a series of behaviors that usually escalate in severity.<sup>19</sup> Failing to include a behavior because it frequently occurs in other settings would prevent the capture of the true essence and totality of the stalking episode.

## Necessity of Retroactive Identification

A crucial reason to examine retroactive identification is to rationalize delays in reporting of stalking incidents. Reporting delays can make police, prosecutors, defense attorneys, judges and juries more apathetic towards victims and their situations. The apathy arises because authorities view the reporting delay as an indicator of a lack of interest by the victim, beliefs that the victim is only now reporting the events to be revengeful against a scorn relationship, or a multitude of other reasons. This reporting delay stigma may cause biases against the victim and ultimately inhibit the process of obtaining a restraining order or court conviction. The rationale for the delays is empirically explained by the concepts of pre-recognition behaviors and retroactive identification.

The retroactive identification of pre-recognition behaviors has not been the focus of research gathering information on stalking episode. Although dichotomizing the pre-recognition and post-recognition stalking behaviors is not critical in all stalking-based research, it is vital to collecting accurate and useful data on episode durations.

## Disparities in Stalking Durations

Current research on stalking is limited. The newness of the stalking phenomenon is largely the reason.<sup>20</sup> The diversity of stalking behaviors, from egregious acts to seemingly harmless events, causes difficulty in defining and narrowing the focus of research projects.<sup>21</sup> The research which has been conducted has focused on revealing rates of stalking among the overall and specific populations, identifying relationships and characteristics of stalking victims and offenders, and qualifying stalking behaviors.

Researchers have attempted to quantify stalking episode durations in their research endeavors.<sup>22</sup> Victims' reporting of the duration of stalking episodes to researchers was ambiguous



within individual studies because of a lack of focus on operationalizing duration. Accounting for the inclusion or exclusion of pre-recognition behaviors has generally been overlooked and lacked significance to the theoretical significance and focus of existing research. Researchers not making this distinction have varying parameters placed on their duration measurements. This variance resulted in inconsistent results and incompatibility of durations among research data.

While most stalking research is atemporal, certain studies have produced figures reporting various durations for episodes. A stalking victimization study of college women reported durations in their study ranging from one day to ten years.<sup>23</sup> The extreme deviation in these data were acknowledged and subsequently reported that the average stalking episode's median, excluding the outlying data, was two months. Another research effort of a collegiate population provided a mean duration of 4.75 months.<sup>24</sup> A review of stalking cases at a city attorney's office reported a mean duration of 6.02 months.<sup>25</sup> This figure is likely higher because the cases reviewed were conceivably more serious, thus explaining the reporting and attention by the criminal justice system. Yet another review of stalking research revealed mean durations in three studies to vary from 5 to 12 months, 25 months to five years.<sup>26</sup> The failure of the researchers to adequately define what constituted a stalking episode in their studies renders the reported duration less valuable.

### Laudable Retroactive Identification Efforts

Researchers have subtly confirmed the need for further research into retroactive identification.<sup>27</sup> A review by researchers of victim statements proved to be confusing and contradictory, specifically with regard to durations of stalking behaviors. They noted that coding was problematic because several incidents were reported on the same police report. Although an obstacle for researchers, multiple reporting of stalking incidents on one police report should be the norm in police reporting for several reasons. Initial reports of stalking require more than one incident to be reported for the offense of stalking to be present. These reports may include the initial or repeat reporting of a previous overt incident or of pre-recognition behaviors that were later being retroactively identified as stalking behaviors. Finally, efforts by police to include multiple incidents in one report are commend-

able. This multiple event reporting signifies a positive shift toward recognizing and memorializing entire stalking episodes.<sup>28</sup>

Some research has embarked on the issue of identifying pre-recognition stalking behaviors.<sup>29</sup> The research was crucial in defining the variables associated with the two distinct periods in a stalking incident, pre-recognition and post-recognition. Factors affecting the length of these periods was discussed, but little effort was placed on providing durations other than a single mention of a study<sup>30</sup> reporting a 1.8 year duration for stalking episodes as reported by victims in the National Violence Against Women Survey. This figure was inconsistent with the aforementioned figures and a further review of the source revealed that the mean of 1.8 was not representative of the true duration. Two-thirds of the cases lasted less than one year. Again, a failure to define the parameters of what exactly was being measured caused this data to be less useful.

### Conclusion

An accurate depiction of stalking qualities and durations is crucial to police, prosecutors, counselors,

policy makers, researchers, and others in making sound decisions on this relatively new topic in the criminal justice milieu. The principle of retroactive identification can assist in providing a better understanding of stalking. It will assist in articulating delays in reporting of stalking episodes



and the varying durations reported for stalking episodes in existing research. Furthermore, researchers embarking on studies of stalking may be able to more accurately quantify duration measures in their research. 🌐

### Endnotes

- 1 Twelve percent of stalking cases result in criminal prosecution while 25% of female victims and 10% of male victims seek restraining orders. See "Stalking in America: Findings from the National Violence Against Women Survey," (NCJ 169592) available at <http://www.ojp.usdoj.gov.nij>.
- 2 The list of interested parties can be augmented to include countless other professions and positions to include law and policy makers, probation/parole officers, employers, Equal Employment Opportunity investigators, and school administrators.

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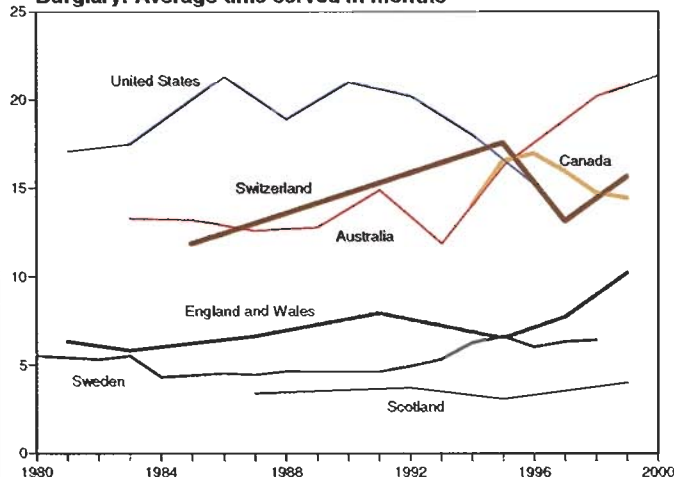
- 3 The pronoun "she" is used throughout this article because studies have revealed women are four times as likely to be the victim of stalking. See "Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women," (NCJ 183781) available at <http://www.ncjrs.org/pdffiles1/nij/183781.pdf>.
- 4 Coleman, F. L. (1997). "Stalking behavior and the cycle of domestic violence." *Journal of Interpersonal Violence*, 12, 420-432; McCann, J. T. (1998). "Subtypes of stalking (obsessional following) in adolescents." *Journal of Adolescence*, 21, 667-675; and 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.
- 5 Coleman, F. L. (1997). "Stalking behavior and the cycle of domestic violence." *Journal of Interpersonal Violence*, 12, 420-432; Frieze, I. H. & Davis, K. (2000). "Introduction to stalking and obsessive behaviors in everyday life: Assessments of victims and perpetrators." *Violence and Victims*, 1, 3-5; Kropp, P. R., Hart, S. D. & Lyon, D. R. (2002). "Risk assessment of stalkers: Some problems and solutions." *Criminal Justice and Behavior*, 29, 590-616; and 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.
- 6 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.
- 7 U.S. Department of Justice. (1998). "Stalking and Domestic Violence: Third Annual Report to Congress Under the Violence Against Women Act," Chapter 1, available at <http://www.ojp.usdoj.gov/vawo/grants/stalk98/chapter1.htm>.
- 8 Nicastro, A. M., Cousins, A. V. & Spitzberg, B. H. (2000). "The tactical face of stalking." *Journal of Criminal Justice*, 1, 69-82; and 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.

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- 9 McCann, J. T. (1998). "Subtypes of stalking (obsessional following) in adolescents." *Journal of Adolescence*, 21, 667-675.
- 10 The harassing or threatening behavior does not have to be an oral or written threat but rather a behavior that, taken in context, causes a reasonable person to experience fear. See "Stalking and Domestic Violence: Third Annual Report to Congress Under the Violence Against Women Act," (1998), Chapter 1, available at <http://www.ojp.usdoj.gov/vawo/grants/stalk98/chapter1.htm>.
- 11 Coleman, F. L. (1997). "Stalking behavior and the cycle of domestic violence." *Journal of Interpersonal Violence*, 12, 420-432; Emerson, R. M., Ferris, K. O. & Gardner, C. B. (1998). "On being stalked." *Social Problems*, 3, 289-315; and McCann, J. T. (1998). "Subtypes of stalking (obsessional following) in adolescents." *Journal of Adolescence*, 21, 667-675.
- 12 The terms stalking behavior, stalking episode, and stalking incident are those adopted by the authors based on a review of existing research and practice and only identify a practical lexicon for the subject matter. It in no way is intended to convey a legal or official definition of any kind.
- 13 Sheridan, L., Davies, G. M. & Boon, J. C. W. (2001). "Stalking: Perceptions and prevalence." *Journal of Interpersonal Violence*, 16, 151-167.
- 14 Sinclair, H. C. & Frieze, I. H. (2000). "Initial courtship behavior and stalking: How should we draw the line?" *Violence and Victims*, 15, 23-40.
- 15 McCann, J. T. (1998). "Subtypes of stalking (obsessional following) in adolescents." *Journal of Adolescence*, 21, 667-675.
- 16 Emerson, R. M., Ferris, K. O. & Gardner, C. B. (1998). "On being stalked." *Social Problems*, 3, 289-315.
- 17 Ibid.
- 18 Sinclair, H. C. & Frieze, I. H. (2000). "Initial courtship behavior and stalking: How should we draw the line?" *Violence and Victims*, 15, 23-40.

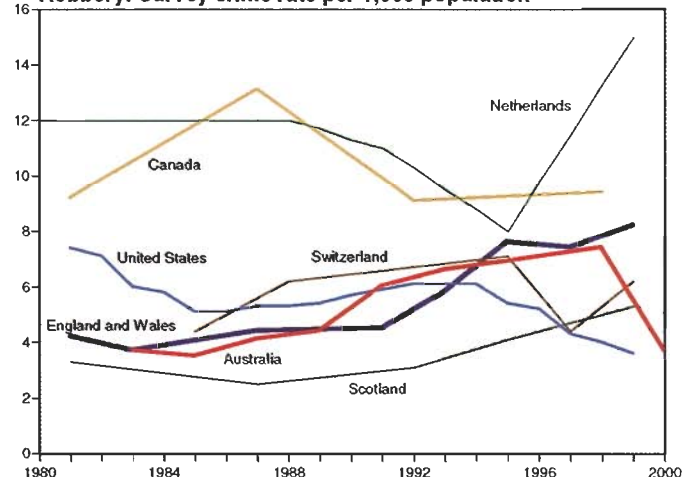
## at a glance

**Burglary: Average time served in months**



Source: Bureau of Justice Statistics

**Robbery: Survey crime rate per 1,000 population**





- 19 Coleman, F. L. (1997). "Stalking behavior and the cycle of domestic violence." *Journal of Interpersonal Violence*, 12, 420-432; 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; and Sheridan, L., Davies, G. M. & Boon, J. C. W. (2001). "Stalking: Perceptions and prevalence." *Journal of Interpersonal Violence*, 16, 151-167.
- 20 Coleman, F. L. (1997). "Stalking behavior and the cycle of domestic violence." *Journal of Interpersonal Violence*, 12, 420-432
- 21 Kropp, P. R., Hart, S. D. & Lyon, D. R. (2002). "Risk assessment of stalkers: Some problems and solutions." *Criminal Justice and Behavior*, 29, 590-616.
- 22 Fisher, B. S., Cullen, F. T. & Turner, M. G. (2002). "Being pursued: Stalking victimization in a national study of college women." *Criminology & Public Policy*, 1, 257-308; Nicastro, A. M., Cousins, A. V. & Spitzberg, B. H. (2000). "The tactical face of stalking." *Journal of Criminal Justice*, 1, 69-82; Spitzberg, B. H. & Rhea, J. (1999). "Obsessive relational intrusion and sexual coercion victimization." *Journal of Interpersonal Violence*, 14, 3-20; and Emerson, R. M., Ferris, K. O. & Gardner, C. B. (1998). "On being stalked." *Social Problems*, 3, 289-315.
- 23 Fisher, B. S., Cullen, F. T. & Turner, M. G. (2002). "Being pursued: Stalking victimization in a national study of college women." *Criminology & Public Policy*, 1, 257-308.
- 24 Spitzberg, B. H. & Rhea, J. (1999). "Obsessive relational intrusion and sexual coercion victimization." *Journal of Interpersonal Violence*, 14, 3-20. This study included both male and female victims of stalking in sample population.
- 25 Nicastro, A. M., Cousins, A. V. & Spitzberg, B. H. (2000). "The tactical face of stalking." *Journal of Criminal Justice*, 1, 69-82
- 26 Bjerregaard, B. (2000). "An empirical study of stalking victimization." *Violence and Victims*, 15, 389-406.
- 27 The phrase retroactive identification was not found to have been previously used to identify the pre-recognition behaviors once the victim has realized them. Although retroactive identification has applications outside the realm of stalking episodes, the authors have chosen not to explore other applications at this time.
- 28 Nicastro, A. M., Cousins, A. V. & Spitzberg, B. H. (2000). "The tactical face of stalking." *Journal of Criminal Justice*, 1, 69-82
- 29 Emerson, R. M., Ferris, K. O. & Gardner, C. B. (1998). "On being stalked." *Social Problems*, 3, 289-315.
- 30 Tjaden, P. & Thoennes, N. (1998). "Stalking in America: Findings from the national Violence Against Women Survey." *National Institute of Justice and Center for Disease Control and Prevention*, 1-20.

## Press Release

### New Interpol President Chosen by General Assembly Jackie Selebi First African to be Elected to This Office

CANCUN, Mexico – Delegates at the 73<sup>rd</sup> Interpol General Assembly have elected Jackie Selebi, National Commissioner of the South African Police Service, as the organization's new President.

A former representative of South Africa at the United Nations, Commissioner Selebi replaces the outgoing President Jesús Espigares Mira, Director of the Criminal Investigation Department of the Spanish National Police. Mr Espigares Mira served as Interpol's President from 2000.

As President, Mr Selebi's role during his four-year term will include chairing meetings of the Executive Committee, the body which supervises the implementation of decisions taken at the General Assembly.

In taking up his post as President of Interpol, Jackie Selebi said one of his priorities would be working to help strengthen weaker regions among Interpol's 182 member countries.

"We need to ensure that areas such as the Caribbean and Africa become part and parcel of the organization, and we need to accrue benefits from their membership," said Mr Selebi. "As President, I am ready to serve all members of the international police community in every area of crime fighting."

Welcoming Mr Selebi as the new President, Secretary General Ronald K. Noble said: "As Interpol's first President from Africa, the election of Commissioner Jackie Selebi represents an historic moment. His experience as Commissioner of Police for South Africa will be a great asset to all of Interpol's member countries, and I am looking forward to working closely with him."

The Director of the International Police Co-operation Service of the Italian State Police, Rodolfo Ronconi, was elected as Vice-President for the European region. A former Delegate for Europe on the Executive Committee, Mr Ronconi will serve a three-year term joining Vice President for the Americas, Michael Garcia, and Vice President for Asia, P. C. Sharma.

For the remaining positions on the Executive Committee, Director General of Investigative Police of Chile, Arturo Herrera Verdugo, and Genaro García Luna, Head of Mexico's Federal Agency of Investigation, were elected as Delegates for the Americas. Head of the Interpol National Central Bureau in London, Detective Chief Superintendent Ken Pandolfi of the Metropolitan Police, was elected as Delegate for Europe.

