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A Statewide Study of Stalking and Its Criminal Justice Response

Executive Summary

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Executive Summary

Stalking between intimate partners is widespread and often associated with lethal abuse. Despite the enactment of anti-stalking laws in every state, relatively few stalkers are cited or arrested by law enforcement, even fewer are prosecuted. Consequently, it is unclear who law enforcement identifies as stalkers and how the criminal justice system responds to those identified. More important, it is unknown if the under identification and charging of stalking make any difference, specifically whether or not it compromises victim safety and/or offender accountability.

Using a multi-methods approach including secondary data analyses of statewide datasets and qualitative methods, researchers examined who is identified by police for stalking across an entire state over multiple years and the impact of identifying stalking over multiple years. The research was designed to answer the following questions:

1. Are police fully identifying stalking cases from among reported domestic violence cases?

2. Do stalking cases differ from general domestic violence cases reported to police?

3. Does it make any difference if police identify a domestic violence case as stalking as opposed to any other domestic violence charges, such as assault or violation of a protective order?

Research Design and Methods

The secondary data used for this study came from two Rhode Island data bases. The first contains all police domestic violence incident reports and supplemental reports

containing offender, victim, and incident data. The second contains automated court

records of all criminal cases filed across the state over the last three decades.

Using the first, we identified all 108 police identified stalking incident reports

filed by police across the state in 2001 through 2005 involving female intimate and

family member victims with unduplicated suspects. We then reviewed every non-

stalking domestic violence incident report filed each year with female intimate and family

member victims (beginning in January or April for alternative years) until we identified

35 cases that also constituted stalking but were cited by police for an alternative domestic

violence offense(s). Eliminating duplicate stalkers and suspects previously identified by

police during the study period as stalkers, we assembled a sample of 160 researcher

identified stalking cases. We also compared both Police and Researcher Identified

stalking cases with non-stalking domestic violence incidents reported to police in 2002

and 2004, a little over 13,000 incidents.[1]

Quantitative Analysis Methods

To address the main study questions quantitatively, we conducted three sets of

analyses in sequence.

First, we examined the data for differences in background characteristics (suspect

characteristics, victim characteristics, and incident characteristics) between the police

identified and researcher identified stalkers to determine the comparability of the groups.

Because our data includes all the cases cited for stalking by police in Rhode Island

between 2001 and 2005, we treated the group of police identified stalkers as the full

population of interest, and compared the sample of researcher identified stalkers to the

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[1] The non-stalking cases characteristics were based on aggregate data of all reported such cases and
included multiple incidents involving the same suspects so the data are not exactly similar to that of either
the Police or Researcher identified stalking case data which included only unduplicated suspect cases.

fixed population values from the police identified group for these measures using t-tests and one-sample test of proportions. We also compared both Police and Research Identified stalking case characteristics with those involving all reported incidents of non-stalking domestic violence incidents reported in 2002 and 2004.

Second, we examined across both groups whether background factors were predictive of the short-term (arrest, prosecution, charge disposition), and long-term (new arrest for domestic violence) outcomes of interest using t-tests and chi square tests. These analyses revealed, as we expected, few factors predictive of new domestic violence arrests. The literature indicates that younger age and a history of prior offenses are the only factors consistently associated with recidivism.[2] In this study, we found these associations (p=.07 for age, p<.001 for prior offenses), and only one other association (victim was noted by the police officer to be shaking) that was statistically significant at the 5% level. This last variable, however, applied to only 54 of the victims, 28 police identified and 27 researcher identified victims.

At the outset of this project, we had anticipated needing to use propensity scores to control for background differences between the Police Identified and Researcher Identified groups. However, since we did not find a pattern of important pre-existing differences between the researcher identified and police identified stalkers, and the one difference we did find works to make the test of our hypothesis more conservative, we decided to conduct a more parsimonious analysis and proceed without adjustment via propensity scores. To control for the effects of prior criminal histories, we compared

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[2] Klein, A. (2008). Practical Implications of Domestic Violence Research: Part II Prosecutors. Washington D.C., U.S. Department of Justice, National Institute of Justice, p.30, http://www.ncjrs.gov/pdffiles1/nij/grants/222319.pdf . Offender gender is also a powerful predictor but in this study all of the stalkers are male eliminating gender as a factor.

police and researcher identified stalkers for those with **no** prior criminal histories and again for those with **no** prior domestic violence histories.

For the third set of analyses examining the primary study hypotheses, we related group membership to the short- and long-term outcomes (arrest, prosecution, dispositions, and reabuse) using standard bivariate statistical tests as above. Because we had specific directional hypotheses for these analyses, we used one-tailed tests.

Qualitative Methods

Researchers conducted a small, exploratory qualitative study whose purpose was to deepen understanding and help interpret preliminary quantitative findings through discussions with individuals most involved in the day-to-day work of responding to stalking cases in Rhode Island. A series of five, homogeneous group meetings were held with key informants, representing a variety of perspectives, including personnel from four of the larger police departments in Rhode Island (Providence, Pawtucket, Warwick and Cranston; N=7); the Office of the Attorney General and its special Domestic Violence Unit (N=3); a former public defender involved in the representation of stalking defendants (N=1); and a selection of domestic violence advocates involved in providing direct services in the courts, training police departments, supervising counseling staff, and advocating for statewide policy change (N=6). Sampling for these meetings was opportunistic and based on identification of departments and individuals who were likely to have experience with stalking cases and the criminal justice system response to them. Meetings lasted approximately 1-2 hours and were structured using an open-ended protocol organized by homogenous respondent type (e.g., police, prosecutors, defense attorneys, advocates). The first level of analysis was to code meeting notes for themes

arising from the data themselves, an approach which helps to open researchers to ideas outside the original study conceptualization or at odds with quantitative findings. The second level of analysis was to group themes by particular issue areas of interest. The qualitative portion of the study was limited by the small sample of respondents and the opportunistic sampling design. Findings generated here are not intended to be generalizable, but rather help to provide insight into the meaning of the quantitative findings.

Findings:

1. Are police fully identifying stalking cases from among reported domestic violence cases?

No. For every incident identified by police as stalking during the study period, they did not identify almost 21 other cases of stalking. While the 108 police identified stalking cases represented 0.33% of the total abuse cases reported between 2001 and 2005 inclusive, based on our review of 2,582 incident reports, another 6.8% of the cases also constituted stalking, but were not so identified by police. Instead, they were cited by police for a variety of other domestic violence charges including, most often, violation of civil protective and criminal no contact orders (76), threatening phone calls (44), as well as miscellaneous other domestic violence offenses (84).

Comparing the narrative reports, we found the researcher and police identified narratives to be identical in terms of the nature and severity of the stalking activities. However, the police identified stalking incidents were more likely to have occurred in public places with third-party witnesses in a third of the cases. In addition, in a little over 10% of the police identified stalking cases, the victims appeared to be more persistent

than victims in the researcher identified stalking cases. Four of the police identified stalking victims also specifically used the term "stalking" when they called police. None of the researcher identified victims was reported to have used the specific term of "stalking."

Comparing victim, suspect and incident characteristics documented in the supplemental police reports, we found few statistically significant differences between police and researcher identified cases. The few significant incident differences found support the conclusions obtained in the content analysis of incident reports described above. For example, police identified stalking cases were significantly more likely to have witnesses and were initially reported by someone other than the victim. Researcher identified stalking cases were significantly more likely to have occurred indoors (P>.001) and been reported by the victim herself.

The other significant differences found suggest that police were more likely to identify stalking where they or their colleagues had been directly involved with the parties in the past. Although the researcher identified victims were significantly more likely to report prior assaults by their suspect stalkers, as police noted, they were significantly more likely to have responded in the past to police identified stalking couples. Also, the police identified stalkers were significantly more likely to have been arrested by police in the past for domestic violence, notwithstanding that both police and researcher identified stalkers were equally likely to have prior criminal histories and prior sentences of probation and imprisonment.

Exhibit # 1 contains a comparison of the two groups of cases, including which differences were significant.

Exhibit # 1: Differences Between Police and Researcher Identified Cases

Variable	Proportion of Police Identified Stalkers N=108 (population)	Proportion of Researcher Identified Stalkers N=160 (sample)	p-Value
Suspect Characteristics			
Age (average)	35 years	34.1 years	0.18
Gender: Male	94.4%	98.1%	.037*
Ethnicity/Race: White (missing=7)	76.0%	75.2%	0.37
Prior Criminal History	74.1%	72.5%	0.65
Prior DV	59.3%	50.0%	.019*
Prior Drug/Alcohol	26.9%	24.4%	0.53
Prior Probation	61.1%	59.4%	0.69
Prior Imprisonment	20.4%	24.4%	0.24
Victim Characteristics			
Current Relationship (Married, intimate partner Vs. divorced, ex-partner) Missing= 9	23.4%	.30.3%	.055
Married	16.2%	15.0%	
Divorced	9.1%	10.0%	
Intimate Partner (IP)	4.0%	8.1%	
Ex-Intimate (Ex-IP)	63.6%	56.25%	
Relative	5.05%	5.0%	
Dating	2.0%	5.0%	
Cohabitant	0	0.6%	
Ethnicity/Race: White Missing=9)	74.5%	82.2%	.086
Live Together	7.5%	5.6%	0.45
Child at Home	40.7%	55.0%	>.001***
Dwell –Victim's Name (Missing=49)	58.5%	58.4%	1
Protective Order	54.6%	58.8%	0.3
Active Order	47.2%	45.6%	0.75
Unserved Order	7.4%	5.0%	0.29
Prior Assault	44.4%	60.0%	> .001***
Prior Police Response	56.5%	46.9%	0.017*
Victim Demeanor-Afraid	54.6%	49.4%	0.20
Victim Uncooperative	2.8%	6.9%	.0057***
Incident Characteristics			
Physical Assault	10.2%	11%.9	0.51
Visible Injury	5.6%	3.75%	0.39
Weapon	9.3%	4.4%	.029*
Threat to Victim	44.4%	56.2%	0.0031**
Threat to Other	14.8%	10.6%	0.15
Property Damage	11.1%	13.8%	0.31
Property Stolen	7.4%	3.1%	.034*
Location: Indoors/Dwelling	50.5%	82.1%	>.001***
Incident Reporter: Victim vs Other (5 missing)	79.4%	93.5%	>.001***
Witness	49.1%	37.5%	0.0034*

| Suspect left Scene | 31.5% | 31.2% | 1 |

* p>.05 **p>.01, ***p>.001

Other than the differences noted above, the police identified victims were significantly less likely to have children in the homes. Researcher identified stalkers were significantly more likely to threaten their victims. All of the other significant differences between the two sets of cases involved relatively few cases.

2. Do stalking cases differ from general domestic violence cases reported to police?

Yes, suspect stalkers appear to be more abusive and threatening. Notwithstanding even the few significant differences between the police and researcher identified stalking cases, both sets of stalking cases consistently and substantially differed from general non-stalking domestic violence cases reported in 2002 and 2004. As illustrated in Exhibit 2, for example, although researcher identified stalkers were significantly more likely to threaten their victims than police identified stalkers, the police identified stalkers were still more similar to the researcher identified stalkers than they were to the non-stalking domestic violence suspects in terms of threatening their victims.

Exhibit 2: Comparison of Study and General Abuse Cases

Variable	Police N=108 %	Researcher N=160 %	General N=13,216 %
Suspect			
Male	84.4	98.1	94.1
Age (average)	35	34.1	33.7
Race (white)	76	75.2	67.4
Victim			
Current Intimates	23.4	30.3	66.4
Living Together	7.5	5.6	49
Children in Household	40.7	55	50.9
Dwelling (victim/joint)	58.5	58.4	59
Protective Order	54.6	58.8	26.45
Active Order	47.2	45.6	16.9
Prior Police Response	56.5	46	30.1
Prior Assaults	44.4	60	42.2
Incident			
Victim Called Police	79.4	93.5	66.8
Incident dwelling/indoors	50	82	82.7

Witnesses	49.1	37.5	35.6
Assault	10.2	11.9	49.8
Victim Injuries	5.6	3.75	27.25
Weapon	9.3	4.4	7.7
Victim Threatened	44.4	56.2	28.5
Others Threatened	14.8	10.6	6.4
Property Damage	11.1	13.8	21.4
Property Stolen	7.4	3.1	3.9
Suspect Left Scene	31.5	31.2	22.6
Victim Reported to be Afraid	54.6	49.4	13.3
Victim Uncooperative	2.8	6.9	16.7

The general abusers were a little younger and less likely to be white. Although we did not access their prior criminal histories, the general abusers generated less calls to police for prior domestic violence than the study stalkers. General abusers were far less likely to have had protective orders taken out against them by their victims in the past or have active orders at the time of the reported abuse incident. This suggests the general abusers were either less abusive in the past or their victims were more tolerant of that abuse or both.

The victims of the general abusers were much more likely to be current intimates, living with their victims. Stalking victims were more likely to have called police than the general victims. Police were much more likely to record that stalking victims were "afraid," notwithstanding the fact that they were less likely to have been physically attacked during the study incident than general abuse victims. Stalking victims were also much more likely to cooperate with police in signing and completing reports and statements.

Despite the above differences, the general abuse incidents were much *more* likely to involve physical assaults and result in victim injuries than the stalking incidents. They

were more likely to have damaged property. General abusers also were more likely to have remained on the scene when police arrived.

3. Does it make any difference if police identify a domestic violence case as stalking as opposed to any other domestic violence charges, such as assault or violation of a protective order?

Yes, it makes a difference in both the short and long term. In the short term, police were significantly more likely to arrest abusers they cited for stalking than the researcher identified stalkers cited by police for other domestic violence offenses. Prosecutors were more likely to charge them in court and successfully prosecute them. Courts, in turn, were more likely to sentence them. And in the longer run, police identified stalkers were less likely to be arrested for new domestic violence offenses, significantly less for stalkers without prior histories. Exhibit 3 illustrates.

Exhibit 3: Police Responses to Police and Researcher Identified Stalkers

Variables	Proportion of Police Identified Stalkers N=108 (population)	Proportion of Researcher Identified Stalkers N=160 (sample)	p-Value
Physical Evidence Obtained	16.7%	16.3%	1
Suspect Interviewed	13.0%	13.8%	0.73
Witness Interviewed	28.7%	26.9%	0.66
Victim Written Statement	66.7%	64.4%	0.56
Suspect Arrested	63.%	53.%	0.017**
Warrant Issued	23.1%	21.9%	0.78
Suspect Arrested/Warranted	86.1%	75.6%	>.001***
Charged in Court	63.9%	50.6%	>.001***
Charged Stalking	41.7%	0.6%	>.001***
Charged Assault	13.0%	7.5%	0.02*
Conviction Obtained	41.7%	33.1%	0.017*

* p>.05 **p>.01, ***p>.001

Although a small number of researcher identified stalking victims were significantly less likely to cooperate with police by signing and completing forms than

police identified stalkers (see Exhibit 1), otherwise the evidence obtained, suspects interviewed, and written statements given by victims were almost identical for both police and researcher identified victims. Yet, police were significantly more likely to arrest and issue warrants against police identified stalkers compared to researcher identified stalkers. The lower arrest/warrant rate for researcher identified stalkers was closer to that of the arrest and warrant rate for general abusers in 2002 and 2004 which was 73%.

The fact that police identified stalkers were significantly more likely to be arrested than researcher identified stalkers is even more noteworthy because Rhode Island law mandates the arrest of domestic violence suspects in cases where victims sustain injuries (R.I. Gen. Laws § 12-29-3b (ii)); there is a felonious assault (i); "physical action" was taken "intending to cause fear of imminent serious bodily injury or death (ii);" or there was a violation of a civil protective order (iv) or a criminal no contact order (v). Rhode Island law does not require the arrest of stalkers *per se.*

Prosecutors were significantly more likely to file charges against police identified stalkers. Prosecutors charged 69 police identified stalkers in court, 45 for stalking. While most police identified stalkers were charged with stalking, most researcher identified stalkers were charged with violation of protective or no contact orders (40), threatening phone calls (27) and disorderly conduct (15).

Prosecutors were significantly more likely to obtain convictions against police identified stalkers. However, notwithstanding that a third of the police identified stalking suspects were convicted as felons (for stalking) and most of the researcher identified suspects were convicted as misdemeanants, their dispositions were similar with most

defendants being sentenced to probation. Only 10.5% of the police identified stalkers and 8.2% of researcher identified stalkers were imprisoned. The average lengths of imprisonment were the same for both sets, a little less than ten months.

Police identified stalkers were less likely to be arrested for new domestic violence offenses than researcher identified stalking, but the difference only approached statistical significance as illustrated in Exhibit 6. Similarly, there was no significant difference in domestic violence rearrest rates for those study stalkers actually prosecuted for stalking and those prosecuted for other non-stalking domestic violence crimes. The rearrest rate for the former was 48.6% and the latter 57.4% (p=.358).

However, if the comparison between police and researcher identified stalkers is limited to lower risk stalkers, those with no prior criminal charges or no prior domestic violence charges, the police identified stalkers were significantly less likely to be arrested for new domestic violence through July 16, 2008 as illustrated in exhibit 4. There were no significant differences between the follow up periods for the police or researcher identified stalkers (p=.95).

Exhibit 4: Researcher and Police Identified Stalking Reabuse Rates

Re-Arrest of Suspect	Police Identified Stalkers	Researcher Identified Stalkers	P Value
New DV Offense	47.2%	52.5%	0.10
New DV for Suspects without Priors (N=72)	25.0%	38.6%	.032*
New DV for Suspects without Prior DVs (N=124)	38.6%	48.75%	.041*

* p>.05 **p>.01, ***p>.001

The average study stalker who was arrested for new domestic violence offenses through July 16, 2008 was charged in court with three counts (2.9) of two new charges (1.9). The police identified stalkers were significantly more likely to be rearrested

specifically for stalking than the researcher identified stalkers, 13% compared to 1.9% (p=.001). The numbers are small and probably indicate that once an abuser has already been identified as a stalker by police, he is more likely to be recharged as a stalker because stalking, by definition, is a repeating enterprise or course of conduct. Although most of the study incidents did not involve physical assaults, of those arrested for new domestic violence 44% were for assaults. Although the prior stalking incidents did not typically involve physical assaults, based on prior and post-study incident behavior, while stalking may not involve violence, stalkers cannot be described as being nonviolent.

Discussion

Our finding that police under identify stalking cases from among reported domestic violence cases confirms an earlier study conducted in Colorado Springs, Colorado.[3]

The comparison of police and researcher identified stalking cases suggests that extra-legal variables influenced police identification of stalking cases. Police were more likely to cite a suspect for stalking if they had responded to the individuals involved before and had arrested the suspect previously for domestic violence, notwithstanding the fact that researcher identified stalking victims reported more prior assaults by their suspects and the study incidents were more likely to include explicit threats made against the victims. Further, it appears that police were more likely to cite a suspect for stalking if the incident occurred where witnesses other than the victim were present, including cases where someone other than the victim reported the abuse to police. Both of these extra-legal

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[3] Tjaden, P. & Thoennes, N. (2001). Stalking: Its role in serious domestic violence cases, Washington DC: U.S. Department of Justice, National Institute of Justice.

considerations may indicate police do not find stalking victims credible or do not believe prosecutors, potential juries or judges will find them credible.

Respondent interviews suggest that police view stranger stalking to be more serious than intimate stalking and pursing intimate stalking investigations may not be worth the added burdens these cases demand for successful prosecution.

The comparison of both police and researcher identified stalking cases with general domestic violence cases provides insights into how stalking cases differ from general abuse cases. Most importantly, it contradicts what some police respondents suggested in interviews that "real" stalking cases involved strangers and more dangerous abusers assaulted their victims. While stalking incidents were unlikely to involve physical assaults in contrast to general abuse cases where assaults occur as often as not, the majority of stalking victims reported prior assaults by their study stalkers. Police also were more likely to have responded to stalkers' households previously than in general abuse cases. Further, almost half of the police and researcher identified stalkers who were arrested for new abuse were charged with assaults against their victims. All of this combined with the much higher level of past protective orders obtained by stalking victims all suggest that stalkers are as or more chronic and violent than general abusers.

The Colorado stalking study also documented that stalking victims were significantly more likely to have protective orders against their abusers than non-stalking abuse victims. Others too have found women reported more violence during their prior relationships with their stalkers than while they were being stalked.[4] Therefore, while

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[4] Brewster, M. (2003). *Power and Control Dynamics in Prestalking and Stalking Situations*, Journal of Family Violence, 18 (4), 207-217.

stalking may not be a crime of violence *per se*, the same cannot be said of stalkers themselves.

Stalking victims may be more likely to call police because they feel more threatened or disturbed by their abusers than general abuse victims. Alternatively, the nature of stalking may be less noticeable to third parties who might otherwise call police. The Colorado stalking study also found that stalking victims were significantly more likely to call police than non-stalking abuse victims. It may also be that stalking victims, unlike general abuse victims, are at the "end of their ropes," having made the decision to end their relationship with their abusers as reported by respondents in our focus groups.

Other research suggests that arrest and/or prosecution alone may deter abusers with lesser criminal histories (see, e.g., Maxwell et al., 2001; Murphy et al., 1998; Garner & Maxwell, 2008). Similarly, a prior evaluation of Rhode Island's specialized probation supervision program for domestic violence offenders found that the specialized probation supervision program was significantly associated with reduced rearrests for domestic violence over one year, but only for lower risk offenders (Klein et al., 1999). The reason for the lack of impact for higher risk abusers according to researchers was that those abusers who reabused did so quickly, a large proportion ***before*** their first scheduled visit with their probation officer. The same may hold true for the criminal justice response to stalking. The median time for police identified stalkers to reabuse was 117 days. The median time for their study case to be resolved was longer, 144 days, almost a month later. In other words, the potential deterrent effect of the sentence for stalking came into play too late to prevent new domestic violence arrests for at least half of the recidivist stalkers.

Several studies suggest that the intrusiveness of the sentence matters (Ventura & Davis, 2004; Thistlewaite et al., 1998; Harrell et al. 2009; Garner & Maxwell, 2009). If Rhode Island prosecutors and courts had sentenced the police identified stalkers with the enhanced sanctions available for felons, the deterrent and certainly incapacitation effects might have extended to those stalkers with prior criminal histories.