

**JUDGEMENTS OF REASONABLENESS OF FEAR
AND SEVERITY OF THREAT IN
CRIMINAL HARASSMENT CASES**

by

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B.A., University of Calgary, 2000

**Thesis Submitted in Partial Fulfilment
of the Requirements for the Degree of
Master of Arts**

in the Department
of
Psychology

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SIMON FRASER UNIVERSITY

June, 2003

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ABSTRACT

The present study examined police officers' ($n = 160$) interpretations of reasonableness of fear and severity of risk in hypothetical cases of criminal harassment. Variables manipulated within vignettes included gender, fear, duration, prior relationship, following/watching, threatening conduct, communication, and criminal and psychological history. Regression models indicated that predictors of ratings of reasonableness included following/watching, gender of both accused and complainant, and history of violence. Predictors of ratings of severity included following/watching, threatening conduct, and history of violence. The most frequent self-reported factor officers deemed influential in ratings of reasonableness and severity was the absence of threats. Implications for theory and practice are discussed.

DEDICATION

This thesis is dedicated to my sister, Dawn. Thank you, Rella, for being my shoulder when I was frustrated, my strength when I felt alone, and my courage when I didn't believe in myself. You have always believed in me and no amount of words can tell you what that means to me.

ACKNOWLEDGEMENTS

I would especially like to thank Randy Kropp for his help in facilitating this research project, not only in helping to gain access to the RCMP workshop, but particularly the endless days and weeks of data collection. Thank you to Steve Hart for his supervision on this project, and his guidance during my times of anxiety. I also owe a huge thank you to Jason Loeppky for his statistical guidance, hard work, and constant availability. Also, I would like to thank Deb Connolly for her support and guidance on this project.

I would like to thank my family for their support, and their willingness to listen. Finally, Jessie and Kim, thank you for being amazing. Thank you so much your friendship and your support in personal and academic times of crisis.

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INTRODUCTION

Although stalking (criminal harassment) is not a new form of behaviour, it has only recently been acknowledged as a serious social concern (Emerson, Ferris, & Gardner, 1998). Acknowledgement of the seriousness of stalking was prompted by the occurrence of several celebrity stalking cases, particularly the murder of actress Rebecca Schaefer in 1989 (Brewster, 2000; Emerson et al., 1998). An anti-stalking law, encouraged by these celebrity cases and the wave of public concern that spread in response, was initially passed in California in 1990 (Emerson et al., 1998). Following California's initiative the majority of the United States, Canada and other countries have developed similar anti-stalking legislation.

Mullen, Pathé, and Purcell (2000) argued that the media and legislative attention garnered by Schaefer's murder created an initial social construction of stalking that identified only a small subcategory of both victims (the famous) and perpetrators (individuals with mental disorders or the presence of psychosis). While these authors argued "the coining of the word 'stalking' and its establishment as a significant social problem allowed us to recognize and act upon a previously unregarded area of human activity" (p. 12), they suggested that the problem lies in determining boundaries between normal, and perhaps annoying, human behaviour and behaviour that constitutes stalking both legally and in scientific literature.

Current scientific literature has been unable to operationalize a consistent definition of stalking. According to Westrup and Fremouw (1998), the use of the single word *stalking* is inappropriate because it implies only one act (in particular, following) versus a broad range of behaviours. In response to this concern, Westrup and Fremouw suggested the addition of the word *behaviour* in order to denote a constellation of acts, rather than a single act. These authors then offered a definition of *stalking behaviour* as "one or more of a constellation of behaviors that a) are repeatedly directed toward a specific individual, b) are unwelcome and intrusive, and c) induce fear or concern in the target" (p. 258). According to most literature, this pattern of behaviour typically includes a range of actions such as following, viewing, harassing communication, and implicit or explicit threats of harm or violence (Brewster, 2000; Wright et al., 1996). However, Meloy (1997) cautioned that stalking behaviours such as these occur across a continuum, with only a subsample reaching levels deemed to be criminal.

Of significant importance in a definition of stalking, particularly in stalking legislation, is the requirement that this pattern of behaviour cause recipients of such actions a significant amount of physical, psychological, or emotional distress and fear for their safety. Department of Justice Canada (1999) suggested that stalking has been difficult to define as a crime because the act, in and of itself, lacks a clear behavioural outcome. Many of the behaviours (rather than one specific act) engaged in by a stalker can lead victims to reasonably fear for their safety. The focus of this research study concerns the interpretation of reasonableness of fear and the severity of the risk of harm posed by an accused that is necessary to evoke such physical, psychological, or emotional distress.

Canadian Criminal Harassment Law

Prior to 1993, stalking was not prohibited specifically in Canadian law, although individuals who engaged in certain types of stalking behaviour could be charged with different offences, including Uttering Threats (section 264.1 of the Criminal Code of Canada) and Intimidation (section 423 of the Criminal Code of Canada). The Criminal Code of Canada (Criminal Code) was amended August 1, 1993 to include the new offence of Criminal Harassment. Section 264 of the Criminal Code was created to address problems of violence against women, particularly domestic violence. Justice Veale addressed this issue in *R. v. George* (2001, Yukon Supreme Court) by stating "it should be noted that the main purpose of these sections, often referred to as the 'stalking law', is to enable the police to take timely action to save women from becoming victims of violence before it is too late" (para. 4). Section 264, as of more recent amendments in May 1997, encompasses a number of elements, including:

(1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) the conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family

(Criminal Code Bill C-27, 1997).

It was established in *R. v. Ryback* (1996, British Columbia Court of Appeal) that in s. 264(2)(a) and (b) “repeatedly” is interpreted as three or more incidents, particularly for repeated communication. However, in *R. v. Kosikar* (1999, Ontario Court of Appeal) it was ruled that a single incident (in this case, the receipt of a single threatening letter) was enough to constitute criminal harassment under s. 264(2)(d) as this section does not specify in the legislation that threatening conduct must occur “repeatedly”.

As per section 264(1) of the Criminal Code, the recipient of stalking behaviours must have felt “reasonable fear” due to these behaviours in order for an individual to be convicted of this offence. Reasonable fear is not explicitly defined in Criminal Code legislation; however, case law can be used to provide insight into how the court commonly interprets reasonableness of fear in cases of criminal harassment. According to Alberta Provincial Court Judge Ayotte in *R. v. Brock* (1999):

The final two elements of the offence require proof that the complainant feared for her safety or that of anyone known to her and that her fears were in all the circumstances reasonable. The first of these is usually not too difficult to prove, the second presents more formidable obstacles, especially where, as here, there are no direct formal threats to cause physical harm

(para. 20).

In *R. v. Brock* the accused had repeatedly followed and repeatedly communicated (in the form of indirectly threatening voicemail messages) with his ex-wife. The complainant reported her fear was based on her ex-husband’s current unpredictability and his history of unpredictable physical and verbal abuse during their marriage. In this case, Judge Ayotte ruled that the complainant’s statement that she *felt* fear was enough to meet the first element (that the individual feared for his or her safety).

In reference to the second element (that the fear was reasonable in all the circumstances), Judge Ayotte ruled that a complainant’s interpretation of stalking behaviours (in this case, voicemail messages) must be taken into consideration as part of the *circumstances* independently from what the accused meant by the actions. Judge Ayotte stated “it matters not whether one approaches that subjectively or objectively, it must necessarily start with what is known to the complainant, not what is in the mind of the accused; not what he thought, but what he said” (*R. v. Brock*, 1999, para. 24). It was

further established in *R. v. Goodwin* (1997, British Columbia Court of Appeal) that fearing either physical or psychological harm due to an accused's actions was sufficient to meet the requirements of reasonable fear.

In *R. v. Hau* (1996) British Columbia Supreme Court Justice Edwards ruled that an accused's historical conduct directed toward the complainant should also be considered in judgements of the circumstances of reasonableness of fear. In this case the accused had repeatedly left phone messages, visited the complainant repeatedly at work, left her flowers, and followed her when she was driving home. The complainant and accused had a previous romantic relationship, and the mentioned behaviours had begun prior to the enactment of stalking legislation. Justice Edwards ruled that the accused's history of stalking behaviours (prior to criminal harassment legislation) should be included as evidence in the case as "it is the totality of the circumstances which is crucial to measuring whether the complainant reasonably feared for her safety during the charge period. In fact, knowledge of pre-charge conduct may turn what might seem to be an unreasonable fear, if viewed in a vacuum, into a reasonable fear" (para. 41). Finally, in *R. v. Sillipp* (1997) Alberta Court of Appeal Justice Berger stated "the application of the reasonable person test to the objective evaluation of 'all the circumstances' does not mean that the particular vulnerabilities of the complainant are excluded from consideration" (para. 27).

These cases suggest that the interpretation of reasonableness of fear is based on two elements. The first element involves the victim's subjective experience of fear due to the accused's behaviour. The second element is based on both an objective test of how a reasonable person would have felt in similar circumstances as well as a subjective test of how that individual (the complainant) felt in those particular circumstances (*R. v. Sillipp*, 1997). As noted above, it has been established that an accused's pre-charge conduct and the complainant's interpretation of events, independent of the intentions of the accused, may be considered in an evaluation of whether a reasonable person, in all the circumstances, would have been fearful of the accused's conduct.

Interpretations of reasonableness of fear are dually influenced by judicial interpretations and evaluations made by police and prosecutors. Charges are often only laid, or cases only brought to court, if the evidence available to police or prosecutors supports the requirement that a complainant was in reasonable fear for his or her safety

(Department of Justice Canada, 1999). While judges and juries are only presented with cases in which Crown Counsel and law enforcement officers have evaluated the complainant's fear as reasonable, police and prosecutors must also be aware of judicial interpretations of reasonableness in order to make appropriate prosecution decisions. Judicial interpretations, once a case is before a court, can be identified through case law. However, a better understanding of how reasonableness of fear is interpreted by law enforcement officers is necessary in order to determine which circumstances will lead to charges initially being recommended or laid against an accused. As part of such an evaluation, it is important to determine which elements of stalking cases officers deem important in making determinations of reasonableness of fear. Social science research can elucidate not only the basic elements or factors generally displayed in stalking cases, but also elements of these cases that have been shown to be indicators of dangerousness or factors that potentially increase a victim's level of fear.

Stalking Research

Prevalence

It has been argued that the difficulty with interpreting prevalence studies in the area of stalking is that statistics are typically derived from either clinical case studies in which the accused's behaviour was likely to have been extreme enough to warrant clinical attention, or from community studies where questions concerning stalking behaviour are more general and are likely to identify a higher number of individuals who have demonstrated less extreme or serious behaviours (Kropp, Hart, & Lyon, 2002; Mullen et al., 2000). Part of the difficulty in interpreting prevalence studies not only stems from the methods in which data are collected, but also the lack of a consistent definition of stalking in the literature as well as different interpretations of legislative requirements for convictions of stalking (Mullen et al., 2000).

Although interpreting the significance of prevalence studies is difficult, it is important to understand the nature and incidence rate of stalking within the general population. One of the most commonly reported surveys of stalking to date is the National Violence Against Women (NVAW) Survey (Tjaden & Thoennes, 1998). This study surveyed a total of 16,000 adults (8000 women and 8000 men) in the United States between November 1995 and May 1996 regarding not only experiences of stalking but also several other forms of victimization. Employing a stringent definition of

stalking that closely paralleled legal definitions in Canada and the United States, this survey only included respondents who reported a high level of fear in response to stalking behaviours they experienced (Tjaden, Thoennes, & Allison, 2000). Using this definition, Tjaden and Thoennes (1998) found that 8% of women and 2% of men reported having been stalked during their lifetime. Further, 1% of women and 0.4% of men reported having been stalked in the twelve months prior to the survey. These authors argued that estimated lifetime and annual prevalence rates increased if a less stringent definition, requiring only moderate levels of reported fear, was employed. Using a less stringent fear requirement, 12% of women and 4% of men reported having been stalked in their lifetime, while 6% of women and 1.5% of men reported experiencing stalking in the preceding twelve months.

Canadian statistics indicate that there has also been an increase in the number of reported cases of stalking in the years following the introduction of criminal harassment legislation, rising from 1,647 reported cases in 1994 to 2,482 reported cases in 1997 (Department of Justice Canada, 1999). For a similar time period (1994 to 1998) following the introduction of stalking legislation in the United States, Rosenfeld and Harmon (2002) also reported yearly increases in the rates of reported harassment offences. Current Canadian statistics indicate that 3,572 cases of criminal harassment were reviewed in court during 2001, a further increase from 1997 statistics (Statistics Canada, 2003). Although reported increases may be the result of actual increases in cases of criminal harassment, other factors resulting from the introduction of new legislation including increased victim reporting and differences in how police respond to such incidents may offer alternative explanations (Department of Justice Canada, 1999).

Characteristics of Stalking

In a study of 145 stalking cases of individuals who had engaged in stalking behaviours and had been referred to a forensic clinic for treatment, the most frequent behaviours engaged in by individuals charged with stalking included: repeated approaches to the complainant in public (86%); following or watching (73%); unwanted telephone calls (78%); and letters (65%). Threats were made by 58% of the accused while 40% damaged the complainant's property (most frequently by damaging the complainant's car) and 36% physically assaulted their target. While only one individual in this sample had a previous conviction for stalking, 39% of the sample had a previous criminal history (28% for interpersonal violence and 7% for sexual offences) (Mullen,

Pathé, Purcell, & Stuart, 1999). While definitions and categories of stalking behaviours differ, research is reasonably consistent regarding the frequency of the above behaviours. Gill and Brockman (1996) reported that 35% of the 601 Canadian cases of individuals charged with criminal harassment in their file review engaged in repeated contact while 20% engaged in repeated following. Approximately 17% of this sample made threats towards complainants and a further 14% engaged in physical violence. While 30% of stalking incidents had occurred for less than a month, 23% had occurred from three to twelve months and 18% of incidents had occurred for over a year. These authors reported that 18% of this sample had breached previous restraining orders. Of the 53% of individuals who had a previous criminal history, 6% had previous charges for criminal harassment, 25% had assault charges unrelated to harassing behaviour, 28% had charges related to harassment, while 41% were charged with other offences (the particulars of these offences were not reported in the study). Further, Rosenfeld and Harmon (2002) reported that 76% of their sample had sent unwanted mail, 61% had made unwanted telephone calls, 21% had followed their targets, and 6% had seriously physically assaulted their targets.

Characteristics of Stalkers

Gill and Brockman (1996) reported that the majority of individuals charged with criminal harassment in their file review of 601 Canadian cases were male (91%). Similarly, 87% of stalking incidents reported in the NVAW survey involved a male stalker. Female respondents identified the individuals stalking them as male in 94% of incidents and male respondents reported males were stalking them in 60% of cases (Tjaden & Thoennes, 1998). In regard to other demographic information, Gill and Brockman (1996) reported that their sample ranged in age from 15 to 76, with an average age of 37. Approximately 60% of this sample of individuals charged with stalking was unemployed.

In order to help identify and understand stalking behaviour, Meloy (1998) categorized stalkers into three subtypes based on the prior stalker-victim relationship. These subtypes include former intimates (or prior sexual intimates), acquaintances, and strangers. Although initially seen as a crime against celebrities and persons of status or persons in the media, stalking is now recognized as a crime that occurs primarily against women by former spouses or ex-intimates (Emerson et al., 1998). According to Canadian research, victims of stalking were most often (57% of the time) harassed by a

current or ex-intimate partner while 28% of victims were stalked by an acquaintance and only 12% were stalked by a stranger (Gill and Brockman, 1996). Similarly, in their sample of 204 harassment cases, Rosenfeld and Harmon (2002) reported a former intimate partner harassed 39% of complainants. While 25% of complainants were stalked by an acquaintance (identified as friends or business associates), a further 25% reported being stalked by a stranger. In the NVAW survey, Tjaden and Thoennes (1998) reported that former intimate partners stalked 30% of male respondents and 59% of female respondents, whereas 23% of females and 30% of males who had been stalked were stalked by a stranger.

Westrup and Fremouw (1998), in a review of current literature on stalkers, postulated that the majority of stalkers have Axis I or Axis II disorders or a history of psychological problems. Consistent with this hypothesis, Rosenfeld and Harmon (2002) reported that the majority of their sample ($n = 204$) of individuals charged with stalking (who had been referred for forensic evaluation) met criteria for either an Axis I or an Axis II clinical diagnosis, with 40% meeting criteria for a psychotic disorder and 34% meeting criteria for an Axis II personality disorder. Gill and Brockman (1996) also reported that 14% of those charged with stalking in their file review had undefined psychological problems while another 10% had a reported substance abuse history.

Characteristics of Victims

Although Mullen et al. (2000) argued that there are no defining characteristics of stalking victims, as all individuals have the potential to become targets of harassing behaviour and stalking, research consistently demonstrates that the majority of stalking victims are female. Canadian research indicated that 88% of complainants who had experienced stalking behaviours were female (Gill & Brockman, 1996). Similarly, in the NVAW survey 78% of respondents who had experienced stalking behaviours were women, while only 22% were male. The average age of respondents when they first experienced stalking in the NVAW survey was 28 years old, with 52% of respondents falling between the ages of 18 and 29 (Tjaden & Thoennes, 1998). Similarly, Rosenfeld and Harmon (2002) reported that 69% of complainants in their sample were female, while only 19% were male.

Mullen et al. (2000) suggested that stalking victims are often isolated from friends and family due to the intrusive nature of stalking behaviours that these third parties are unable to deter. Further, these authors suggested that stalking victims will often feel

continuous anxiety and apprehension due to the persistence of various and unpredictable stalking behaviours.

Severity of Risk of Harm and Reasonableness of Fear

Palarea, Zona, Lane, and Langhinrichsen-Rohling (1999) concluded that previous research identifies one of the most important variables in determining the danger an accused poses to the victim as being the nature of the relationship between the accused and the victim prior to the onset of harassment. These authors found that in comparing non-intimate and former intimate stalking suspects, former intimate stalking suspects were more likely to have exhibited higher levels of dangerousness or threat through most of the criminal harassment behaviours they displayed. Former intimate stalking suspects used threats more often, approached their targets more often, and were more likely to have engaged in violence in the cases where violence toward the target or property occurred. Former intimate stalking suspects, similar to data regarding characteristics of the majority of stalkers, were also more likely to be male. Similarly, Tjaden and Thoennes (1998) found that in their sample 81% of women who reported having been stalked by former intimates were also physically assaulted by that individual. These authors concluded that "husbands or partners who stalk their partners are four times more likely than husbands or partners in the general population to physically assault their partners" (p. 8) and six times more likely to sexually assault former partners. In a study of 114 women who had been abused during an intimate relationship, Mechanic, Weaver, and Resick (2000) found that the frequency and intensity of stalking behaviours that had occurred during an intimate relationship increased once a woman left the relationship. Further, the longer a woman had remained out of the abusive relationship, the more likely stalking behaviour was to occur.

In their study of 145 individuals who had engaged in stalking behaviours (some had been convicted for stalking) and had been referred to a forensic clinic for treatment, Mullen et al. (1999) found that while those suspects "who are strangers and overtly mentally ill produce the most fear in victims" (p. 1249), the assault of complainants was more likely to occur when the suspect was a former intimate. Schwartz-Watts and Morgan (1998) compared a group of 42 individuals who had been charged with stalking in North Carolina. Twenty individuals were classified as violent due to stalking charges that included assault or physical violence while the remaining twenty-two individuals were deemed to be non-violent due to the absence of charges related to physical

violence. These authors found no significant differences between these groups regarding age, race (primarily Caucasian), gender (primarily male), education (the majority of individuals were well-educated), or history of substance abuse (in both groups a history of substance abuse was predominant). The only difference between the violent and non-violent group that approached significance was the previous accused-complainant relationship. Violence occurred more frequently against former spouses. Although many in the non-violent group were accused of stalking former intimates, this group was distinguished from the violent group in that they were more likely to have been stalking ex-girlfriends rather than spouses. Rosenfeld and Harmon (2002) also reported that violent incidents occurred more frequently in cases where complainants were either former intimates or family.

On the other hand, those suspects found to have delusional disorders rarely engaged in violent stalking behaviour (Rosenfeld & Harmon, 2002). Consistent with this finding, in a study comparing psychotic and nonpsychotic individuals whose charges related to stalking offences, it was found that while there were no statistical differences in incidences of violence between the two groups, results demonstrated a trend toward higher levels of violence and threatening behaviour by nonpsychotic individuals in the sample (Kienlen, Birmingham, Solberg, O'Regan, & Meloy, 1997).

Literature has shown that other risk factors have not displayed the same consistency as indicators of dangerousness in criminal harassment cases as has the prior victim-accused relationship. Previous research has identified the use of threats as well as the accused's previous criminal or psychiatric history as potential risk factors (Mullen et al., 1999; Meloy, 1997). However, Palarea et al. (1999) concluded that criminal and psychiatric histories were not prevalent risk factors in their comparison of former intimate and non-intimate stalkers. These authors did, however, find a strong correlation between an accused's history of violence and the use of violence during stalking in their sample. Interestingly, Brewster (2000) found that the use of threats was a better predictor of violence in a former intimate stalking situation than was a prior history of violence.

The factors most often associated with violence in Rosenfeld and Harmon's (2002) study were substance abuse, an absence of delusional or psychotic disorders, and below average intelligence. The authors found that "variables such as gender, prior criminal history, and previous violent behaviour were not significantly associated with

violence” (p. 687). Although Brewster (2000) found that previous substance abuse is a possible risk factor, the frequency of threatening indirect contact (e.g., telephone calls) was not, and neither was the age or education of the victim.

Previous research can help identify those elements of stalking incidents that may predict dangerousness or increased levels of threat and risk in cases of criminal harassment. However, legislation requires that victims reasonably fear for their safety due to stalking behaviour. As such, it is necessary to determine how individuals perceive and interpret stalking incidents and whether certain elements of these incidents increase levels of fear or perceptions of risk.

Dennison and Thomson (2002) argued that the requirement in legislation that a victim feel reasonable fear for his or her safety as a result of an accused’s stalking behaviour has the potential to influence the number and frequency of stalking cases reported or prosecuted. These authors suggested that potential differences in the way males and females perceive stalking incidents may have an impact on the number of cases reported as well as the way in which judges and juries (although these cases are primarily heard by judge alone) interpret/evaluate a victim’s reasonableness of fear. In order to evaluate whether differences exist between male and female perceptions of stalking, these authors presented 1,080 participants (383 males and 685 females) with hypothetical stalking scenarios. Using a number of different vignettes these authors found that 86% of female respondents and 78% of male respondents identified the behaviour within the vignettes as stalking. These authors concluded that there are no substantial differences between how males and females define or perceive stalking incidents. Similarly, in an earlier study Dennison and Thomson (2000) found that regardless of the perceived intent of the stalker or the consequences to the victim in a number of hypothetical stalking scenarios, the behaviours of the accused alone led 98% of the participants to classify the vignettes as stalking.

In a study to determine community perceptions of stalking, Hills and Taplin (1998) presented 172 participants with one of six versions of a hypothetical stalking scenario. Females were more likely than males to indicate they would contact the police, regardless of whether the vignette featured an explicit threat of harm. In contrast to previous research findings regarding risk factors for dangerousness, participants indicated that their levels of fear would be lower and they would be less likely to contact police if the stalker was a former intimate partner versus a stranger. In fact, participants

indicated they would be more likely to confront a former intimate partner on their own, rather than contact the police.

As was noted earlier, annual and lifetime prevalence rates of reported experiences of stalking increased when the NVAW survey employed a less strict definition of stalking which allowed respondents to identify stalking according to their own perceptions of a stalking incident. In fact, if respondents were able to use their own definition of stalking rather than a definition composed of specific stalking activities, prevalence rates increased. Further, it was found that over 60% of those individuals who self-reported stalking experiences but did not meet the stringent legal definition were only lacking the requirement of high levels of reported fear. Those who had experienced behaviour that met the legal definition of stalking but did not self-report these experiences were more likely to be male. Interestingly, men and women were both more likely to self-report stalking behaviour that also met the legal definition if a former intimate partner had stalked them. Finally, both men and women were likely to define an experience as stalking if the individual had approached them directly (face-to-face contact) (Tjaden et al., 2000).

Although few studies have examined conditions in stalking incidents that would elevate a victim's level of fear, those studies that have been conducted indicate that community perceptions of dangerous situations in stalking scenarios may be inconsistent with current research.

Involvement of Law Enforcement Officers

Law enforcement officers are usually a victim's first attempt at intervention in stalking cases, long before such cases appear before a court. According to Department of Justice Canada (1999) a threat assessment is necessary prior to any decisions regarding intervention in stalking cases. This assessment should include considerations of the characteristics of the accused, the victim-accused relationship, the nature of the accused's behaviour (including threats and/or property damage), as well as any relevant research regarding risk. Levels of intervention available to law enforcement officers include: no intervention, face-to-face deterrence (approaching an individual in person in order to warn him/her to deter behaviour), a Section 810 Peace Bond that prohibits the accused from contacting the victim, as well as arrest and charges. In British Columbia (BC), while police officers can arrest an accused or recommend charges be laid, they

are unable to lay charges immediately in criminal harassment cases. Rather, these officers must complete an investigation to gather as much information regarding the harassment as possible, and then write a report to Crown Counsel that includes recommendations as to whether or not charges should be laid. This report should include information concerning the accused's behaviour as well as reasons for the victim's response (i.e., any reasons for reported level of fear including reports of previous behaviour by the accused).

Mullen et al. (2000) argued that in the initial stages of criminal harassment legislation police may have charged an accused with criminal harassment in combination with a number of other offences either because a criminal harassment conviction could result in a longer sentence for the accused or to ensure that the accused was convicted of at least one offence. Similarly, Gill and Brockman (1996) found that officers in Canada frequently charged individuals with multiple offences (including criminal harassment) in the time period immediately following the introduction of new criminal harassment legislation. However, these authors suggested that this tendency began to decrease as officers became more familiar with the legislation. In fact, co-occurring offence charges included uttering threats and mischief, which were later dropped because they often made up part of the original charge of criminal harassment.

While Meloy (1998) argued that in the United States only 12% of reported cases of criminal harassment were actually prosecuted, Gill and Brockman (1996) reported that 17% of 474 potential cases of criminal harassment went to trial. These authors reported that of the 474 charges of criminal harassment, 58% of charges were withdrawn although a number of these cases were withdrawn in order to facilitate the implementation of a Section 810 Peace Bond. In 25% of cases the accused pled guilty and in an additional 10% the accused was found guilty.

Meloy (1998) also suggested that there might exist a potential bias by law enforcement officers to largely lay charges in more high-profile stranger, and celebrity, stalking cases. However, if research supports the claim that former intimate stalkers pose the greatest degree of threat to victims then circumstances that lead officers to lay charges in a criminal harassment case may be inconsistent with what research supports. However, of a total of 601 Canadian cases of criminal harassment, Gill and Brockman (1996) reported that 57% of the cases were cases in which the complainant and the accused had a prior intimate relationship. In contrast to Meloy's (1998) claim, only 12%

of the 601 cases involved strangers (with only 0.7% of these involving public figures) (Gill & Brockman, 1996).

It is unclear whether the factors considered by officers are similar or different from those factors identified as potential risk factors in social science research. Previous research indicates that members of the community may identify elements of stalking incidents as dangerous that are not supported by research. More importantly, it is unclear what information officers use to evaluate a victim's reasonableness of fear or even the severity and imminence of risk posed by an accused when officers are making recommendations to Crown Counsel regarding charges and/or intervention. Gill and Brockman (1996) reported that while 17% of 463 cases of criminal harassment went to trial, victim impact statements were only used in 7% of these cases. However, victim statements, although not frequently utilized in court, are still an essential part of a criminal harassment case, as officers must establish the impact of an offence on the victim in order to recommend charges of criminal harassment (prior to ever proceeding to court).

Present Study

Understanding how law enforcement officers interpret a victim's reasonableness of fear and the severity of risk of harm the accused poses in a criminal harassment case is essential to determine how these cases are assessed and what actions are usually recommended based on these assessments. Law enforcement officers' interpretations of reasonableness of fear and severity of risk will not only be a factor in having a case brought before a judge, but will initially determine the course of action to be taken and whether charges will be or should be recommended.

The main goal of the present study was to examine which factors affect law enforcement officers' determinations of reasonableness of fear, severity and imminence of risk of harm, as well as decisions to recommend that charges be laid. To understand factors that were identified more clearly, two separate studies were conducted. In both studies, vignettes of fictional criminal harassment cases were presented with a supplemental questionnaire that allowed participants to identify which factors presented in the vignette had an impact on their assessment of reasonableness of fear, severity of risk of harm, imminence of risk of harm, and the course of action that would be recommended. The vignettes included a variety of aspects about the case that are

similar to information that officers would attempt to obtain about any criminal harassment case prior to writing their report, complete with recommendations, to Crown Counsel. Variables of interest were systematically varied within the context of one standard vignette. Variables were chosen in accordance with previous literature on stalking and reflected characteristics of the accused, the victim, and the types of threatening conduct pursued by the accused.

Specifically, four research questions were of interest:

1. When assessing a complainant's reasonableness of fear, what characteristics of a criminal harassment case do law enforcement officers deem as factors that make a complainant's fear reasonable or unreasonable?
2. When assessing the severity of risk of harm that the accused poses, what characteristics of a criminal harassment case do law enforcement officers deem as factors that indicate a high or low degree of risk?
3. Do assessments of reasonableness of fear and severity of risk of harm made by law enforcement officers correspond to their subsequent evaluations of the need for intervention and their recommendations for intervention?
4. To what extent are the factors considered indicators of dangerousness by law enforcement officers in criminal harassment cases similar to the factors identified in social science research to be indicators of dangerousness?

STUDY 1

Method

Participants

Participants were a random sample of 96 members of the E Division of the Royal Canadian Mounted Police (RCMP) in BC (73 male, 22 female). Participants were approached at the beginning of a mandatory four-day Criminal Harassment and Domestic Violence training seminar prior to their participation in any potentially confounding workshops (all members of the E Division of the RCMP were required to attend the seminar over a two-year period). The ages of participants ranged from 23 to 57 years old (Mean = 37.16, $SD = 9.284$). Less than half of the participants reported having been members of the RCMP for over nine years ($n = 44$, 46 %) or having worked on more than nine criminal harassment cases ($n = 35$, 36%) throughout their careers. This research project received ethics approval from Simon Fraser University and participants were treated in accordance with ethical guidelines. Participants did not receive payment for their participation.

Materials

Vignettes

Vignettes depicting fictional criminal harassment cases were created from the manipulation of eight variables, six with two levels and two with three levels. Each of the variables was chosen to represent elements of criminal harassment legislation, including reasonableness of fear, following, communicating, watching, and threatening conduct, as well as characteristics of a complainant and an accused that may play a role in judgements of reasonableness of fear or severity of threat based on previous stalking literature, including gender, prior complainant-accused relationship, and duration of stalking behaviour. To study all possible combinations of the eight chosen variables, a $2^6 \times 3^2$ design, 576 different vignettes would have been required. This number of vignettes was deemed unreasonable, and a fractional factorial design (e.g., Conner & Young, 1984) was chosen to produce the best combination of variables. Conner and Young describe a method of fractionating $2^m \times 3^n$ designs that requires a small number of

combinations that effectively capture main effects and possible two-factor interactions while using all other interactions (three-factor and greater) as estimates of error. These authors suggested their method maintains “as much orthogonality among the estimates as possible” (p. 121). This design was deemed appropriate as multi-factor interactions would be difficult to interpret and would not likely provide useful information for the study in determining factors of importance. Based on Conner and Young's fractionation method, 96 vignettes were created from the manipulation of eight variables:

1. Gender of the complainant: male or female.
2. Gender of the accused: male or female.
3. Duration of the stalking behaviour: 9 weeks or 9 months.
4. Degree of the complainant's fear: moderate (feeling uneasy, disturbed, concerned and changing his/her phone number) or high (feeling scared, frightened, anxious, and staying with a friend).
5. Relationship of the complainant to the accused: the accused was a stranger whom the complainant had never met, the accused was an acquaintance that the complainant had worked with, or the accused was a former intimate with whom the complainant had a previous two-year relationship.
6. Engagement of threatening conduct: the accused had or had not engaged in property intrusion that included leaving gifts/objects on the complainant's property.
7. Following and watching behaviour: the accused did not engage in following/watching behaviour, the accused engaged in following and watching the complainant in public, or the accused engaged in following and watching the complainant in private.
8. Contact: the accused had been contacting the complainant indirectly through letters and voice mail messages or had been contacting the complainant directly over the telephone and by speaking to the complainant in person.

Gender was varied to determine if perceptions of fear and risk differed due to the gender of either the complainant or the accused. Similarly, the duration of stalking was varied to identify if evaluations of risk differed due to the length of harassment. Different levels of fear were chosen to determine if evaluations were based more highly on reported levels of fear or on participants' perceptions of the appropriate level of fear due to behaviours in the vignettes. Due to research that identifies the previous victim-stalker

relationship as the most important factor in predicting dangerousness, the previous complainant-accused relationship was also manipulated. Finally, stalking behaviours found in the legislation and identified as frequently engaged in by stalkers in previous literature, including following and watching, threatening conduct, and contact were manipulated. In this initial study, it was reported that the accused had no known psychological or criminal history to initially determine ratings without these additional variables (Appendix A).

Although previous research has identified that threats are used in a large percentage of stalking incidents (e.g., Mullen et al., 1999), direct threats of harm were not included in the hypothetical scenarios based on the presumption that such behaviour would confound the ratings of reasonableness of fear, severity of harm, and imminence of harm. Further, direct threats often constitute a different offence (Uttering Threats) that would potentially confound ratings of the need for intervention (particularly decisions to arrest and charge the accused).

Questionnaire

A 13-item questionnaire was designed. One question evaluated each participant's rating of the complainant's reasonableness of fear. Five response options ranged from 1 = "the complainant has no grounds to fear for his/her safety" to 5 = "the complainant has substantial grounds to fear for his/her safety".

Another question evaluated each participant's rating of the severity of risk of harm the accused posed towards the complainant. Five response options ranged from 1 = "severity is very low" to 5 = "severity is extremely high". A third question was used to determine how each participant rated the imminence of risk of harm the accused posed toward the complainant. Five response options ranged from 1 = "not at all imminent" to 5 = "immediate".

Following each of the above three questions, participants were asked to identify the three most important factors they used to reach each decision. As well, two questions focused on the need for intervention. One question was used to determine the necessity of intervention with five response options ranging from 1 = "intervention is not necessary" to 5 = "intervention should be immediate". The other question asked participants to identify their recommended form of intervention from a list including: no intervention, wait for developments/information prior to intervention, a face-to-face warning, a Section 810 Peace Bond, and arrest and charges. A further question queried

whether the fictional vignette would constitute a criminal harassment case (based on the presented elements) with five response options ranging from 1 = “this case would definitely not constitute criminal harassment” to 5 = “this case would definitely constitute criminal harassment”. The final four questions were demographic questions designed to determine each participant’s length of membership in the RCMP, the number of criminal harassment cases each participant had worked on or been involved with, and each participant’s age and gender (Appendix B).

Procedure

Officers were approached following an introduction to the training seminar, prior to the commencement of any workshops. Each officer received a consent form detailing the aim of the study and indicating the risks, benefits, and voluntary nature of participation (Appendix C). Officers who provided consent were then supplied with a single vignette and a questionnaire. Officers were instructed to read the vignette and answer questions in response to the vignette. The study required approximately twenty minutes to complete. Efforts were made to minimize missing data by replacing any unfinished questionnaires with new, blank copies of the same vignette into the subject pool. In the initial study six questionnaires were replaced. Questionnaires were replaced in situations in which the participant had answered some but not all the required questions or when a participant had indicated that there was not enough information in the vignettes to answer any of the questions. Upon completion officers received a debriefing sheet outlining the purpose of the study (Appendix D).

Results and Discussion

Frequency of Ratings

Over half (69%) of participants responded that complainants in these vignettes had “some grounds” (44%) or “clear grounds” (25%) to fear for their safety. However, only a small percentage of participants (8%) felt that the accused posed a “high” (7%) or “extremely high” (1%) severity of risk of harm. Further, only 11% of participants described the imminence of risk of harm posed by the accused as “very imminent” (8%) or “immediate (3%). Although the ratings of severity and imminence of risk of harm were primarily low to moderate, 23% of participants felt that intervention in these cases would

be necessary in the future and 39% of participants responded that intervention should be "immediate".

All of the participants reported that some form of intervention or action should be taken. Participants were then asked to indicate all forms of intervention they felt would be appropriate in the case they read. Only 13% indicated they would wait and gather more information prior to more overt forms of intervention. The most frequently endorsed form of intervention was face-to-face deterrence (76%), followed by issuing a Section 810 Peace Bond (28%). Only 8% of participants indicated that a recommendation of arrest and charges was an appropriate form of intervention. The low percentage of endorsement for arrest and charges is consistent with the finding that only 10% of participants indicated that the vignette they read would "definitely" constitute a criminal harassment case. Overall, 28% of participants indicated that the vignette would likely constitute criminal harassment, 28% responded that it was unclear, and another 33% indicated that the vignette would "likely not" or "definitely not" constitute a case of criminal harassment.

Results from this initial study suggest that although officers did not rate the severity or imminence of risk of harm as high in the majority of cases, officers still felt that some form intervention (particularly face-to-face deterrence) was necessary regardless of whether the case met legislative criteria for criminal harassment.

Regression Models

Due to the lack of previous research in this area, an exploratory approach was used to investigate the associations among the chosen stalking factors (independent variables) and police officer ratings of reasonableness of fear, severity and imminence of risk of harm, the need for intervention, and whether the vignette constituted criminal harassment (dependent variables). As stepwise regression serves to elucidate independent variables that significantly predict a dependent variable (Tabachnick & Fidell, 1989) a stepwise regression was performed using SAS. The eight factors from the standard vignette (see Appendix A) served as independent variables in each of the regression models for ratings of the five dependent variables outlined above.

For convenience of analysis, responses were treated as quasi-continuous, however, as responses were not continuous all R^2 values were low. Examining the residuals for all models supported the assumptions of normality, linearity, and homoscedasticity. Table 1 presents the variables selected by the stepwise procedure for

each dependent variable, as well as the associated beta weight for each predictor variable.

Table 1:
Summary of Stepwise Regression Analysis for Study 1

Predictor Variables	p	β
Reasonableness of Fear		
Following/Watching	0.359	0.000
Gender of Accused	- 0.198	0.017
Gender of Complainant	0.198	0.017
Severity of Risk		
Following/Watching	0.344	0.000
Gender of Accused X Threatening Conduct	- 0.292	0.011
Imminence of Risk		
Gender of Accused X Threatening Conduct	- 0.354	0.008
Following/Watching	0.281	0.015
Duration X Previous Relationship	0.234	0.041
Duration X Level of Fear	- 0.188	0.045
Need for Intervention		
Following/Watching	0.469	0.000
Gender of Accused X Threatening Conduct	- 0.333	0.016
Criminal Harassment Case		
Gender Accused X Gender Complainant	- 0.396	0.000
Following/Watching	0.281	0.038

The regression model for reasonableness of fear was significant, $F(3, 92)=8.21$, $p<.001$; $R^2=.211$ and adjusted $R^2=.185$. As can be seen in Table 1, three variables entered the equation. The variable for following and watching behaviour entered the equation in the first step, explaining 11% of the variance. Gender of the accused then contributed an additional 5%, followed by gender of the complainant (5%). The regression model for reasonableness of fear indicated that officers rated a complainant's

reasonableness of fear as highest in those instances in which the accused, a male, followed the complainant, a female, on foot and in his vehicle while she was in public and watched her while she was at home.

The regression model for severity of risk of harm was significant, $F(2, 93)=9.72$, $p<.001$; $R^2=.173$ and adjusted $R^2=.155$. As can be seen in Table 1, two variables entered the equation. Again, the variable for following and watching behaviour entered the equation in the first step, explaining 11% of the variance. The two-way interaction between gender of the accused and threatening conduct then contributed an additional 6%. According to the regression model, instances in which the accused was a male who engaged in indirect threatening conduct (property intrusion), followed the complainant in public, and watched the complainant at home predicted the highest ratings of severity of risk of harm.

The regression model for imminence of risk of harm was significant, $F(4, 91)=5.48$, $p<.001$; $R^2=.194$ and adjusted $R^2=.158$. As can be seen in Table 1, four variables entered the regression equation. The two-way interaction between gender of the accused and threatening conduct entered the equation in the first step, explaining 7% of the variance. Following and watching behaviour contributed an additional 6%, followed by the two-way interaction between duration of stalking behaviour and previous relationship. Finally, the two-way interaction between duration of stalking behaviour and the complainant's reported level of fear contributed an additional 4%. The regression model indicated that ratings of imminence of risk of harm were highest in those instances in which the accused was a male who not only engaged in indirect threatening conduct (property intrusion) but also followed the complainant in public and watched the complainant at the complainant's residence. Further, ratings were highest in two opposing situations, both when the accused was a stranger who had been stalking the complainant for nine weeks as well as when the accused was a former intimate who had been stalking the complainant for nine months. Finally, these ratings were highest when the duration of stalking was shorter (i.e., nine weeks) and the complainant reported feeling scared, frightened, and anxious (versus uneasy, disturbed, and concerned).

The regression model for the need for intervention was also significant, $F(2, 93)=10.90$, $p<.001$; $R^2=.189$ and adjusted $R^2=.172$. As can be seen in Table 1, two variables entered the regression equation. Following and watching behaviour entered the equation in the first step, explaining 14% of the variance. The two-way interaction

between gender of the accused and threatening conduct contributed an additional 5%. Similar to other regression models, ratings of the need for intervention were highest in instances in which a male accused engaged in property intrusion (indirect threatening conduct), followed the complainant in public and watched the complainant at home.

Finally, the regression model for predicting whether vignettes constituted criminal harassment was also significant, $F(2, 93)=8.86$, $p<.001$; $R^2=.160$ and adjusted $R^2=.142$. As can be seen from Table 1, two variables entered the regression equation. The two-way interaction between gender of the accused and gender of the complainant entered the equation in the first step, explaining 12% of the variance. Following and watching behaviour then contributed an additional 4%. According to the regression model, participants rated the likelihood that vignettes constituted criminal harassment as highest in instances in which a male accused followed a female complainant and watched her while she was at home.

There were two factors that were identified as predictors in more than one of the five regression models. The engagement in following and watching behaviour in the vignettes was a consistent predictor of the highest ratings in all five of the regression models. This finding supports the importance of this factor in decisions and evaluations of a complainant's reasonableness of fear, the severity and imminence of risk of harm posed by the accused, the need for intervention, and whether a vignette met criteria for criminal harassment. The importance of these behaviours in criminal harassment cases is supported in previous research which has indicated that following and watching are behaviours frequently engaged in by those accused of stalking (e.g., Mullen et al., 1999). Further, Westrup and Fremouw (1998) argued that the term stalking is frequently associated with a particular behaviour, namely following, which may explain the high endorsement of this activity in the present study.

The presence of a male accused who engaged in indirect threatening conduct (property intrusion) was a predictor of the highest ratings in evaluations of severity and imminence of risk of harm and the need for intervention. The engagement in property intrusion has been shown, in previous research, to be a frequent behaviour in stalking incidents (e.g., Mullen et al., 1999). Further, the engagement in this behaviour may demonstrate an increase in threatening and intrusive activity by a stalker, which would likely increase ratings of severity and imminence of risk as well as the need to intervene or deter an accused's behaviour. This finding is also similar to previous research, which

has identified that the majority of stalkers are male (e.g., Gill & Brockman, 1996) and that the majority of stalkers who have demonstrated violent behaviour (particularly stalkers who are harassing former intimates) are male (Palarea et al., 1999). The importance of the gender of the accused as a male is not only demonstrated by previous research and the three mentioned regression models but also the presence of this factor in the remaining regression models. A male accused is a main effect in the regression model for reasonableness of fear and is also one factor in a two-way interaction with gender of the complainant (as female) in the regression model for whether a vignette met criteria for criminal harassment.

The presence of a female complainant was a predictor in the highest ratings in the regression model for reasonableness of fear. The importance of the gender of the complainant is also similar to previous research that has identified that the majority of stalking victims are female (e.g., Tjaden & Thoennes, 1998). The two-way interaction between gender of the complainant (as female) and gender of the accused (as male), as noted previously, was also a predictor in the highest ratings in evaluations of whether a vignette met criteria for criminal harassment. The frequency of female victims and male stalkers, as already discussed, lends support to this finding. Finally, the regression model for imminence of risk of harm involved a number of two-way interactions that made it difficult to clearly identify the most important factors on this measure.

Overall, predictor variables indicated by regression models in this study are primarily consistent with previous research findings regarding common elements of criminal harassment cases. However, the variable that has been most frequently associated with risk of dangerousness, the previous victim-stalker relationship, was only present in the regression model for imminence of risk of harm as part of an interaction with duration of stalking. In this study, this risk factor did not show the same level of importance as in previous research.

Self-Reported Factors

A descriptive analysis was used in order to determine which factors were deemed most important in ratings of reasonableness of fear, severity of risk of harm, and imminence of risk of harm according to participants' self-reported responses. Each reported response was categorized according to whether it matched variables included in the vignettes or whether it identified a factor independent of information provided in the vignettes.

For those who rated that complainants had no or few grounds to fear for their safety, the three most common factors indicated as important in rating decisions included the absence of direct threats, the absence of following and watching behaviour, and the information that the accused did not have a previous criminal history. When participants rated that complainants had some to substantial grounds to fear for their safety, the three most common factors indicated as important in rating decisions were that the accused had engaged in some form of contact (in person or through letters and voice mail), that the complainant reported a moderate or high level of fear, and that the accused had engaged in following and watching behaviour both in public and in private.

When participants rated the severity of risk of harm as very low to low, the three most common self-reported factors included the information that the accused did not have a previous criminal history, the absence of direct threats, and reports that the accused had engaged in direct or indirect contact. For those who rated the severity of risk of harm as moderate to extremely high, the three most common indicated factors included the engagement of following and watching behaviour by the accused, the engagement in some form of contact (both direct and indirect), and the engagement in property intrusion (indirect threatening conduct) by the accused. Interestingly, indirect and direct contact are considered reasons for both lower as well as higher ratings of severity of risk. It is important to consider this factor in the full context of the scenarios. If an accused is solely engaged in indirect or direct contact in the absence of threats or following behaviour, the severity of risk of harm is likely to be evaluated as lower than if contact occurs in the context of a number of stalking behaviours.

For those who rated imminence of risk of harm as not at all to somewhat imminent, the three most common factors indicated as important to rating decisions included the absence of criminal history, the absence of direct threats, and some form of contact (direct or indirect). For those who rated imminence of risk of harm as moderately imminent to immediate, the three most common factors included direct and indirect contact, the complainant's report of moderate or high levels of fear, and the accused's engagement in property intrusion (indirect threatening conduct). Similar to ratings of severity of risk, contact that occurs independently from other stalking behaviours is rated as less threatening than contact that occurs in combination with a number of other stalking behaviours, particularly property intrusion.

Although participants frequently identified factors independent of the information provided in the vignettes as important in their decisions, none of these external factors occurred as consistently across participants as did the above listed factors. Examples of external factors included intuition, previous experience with criminal harassment cases, the complainant's credibility, the intent of the accused, and questions regarding the case such as whether the behaviour was escalating or whether the complainant had attempted to deter the accused.

Similar to the regression model for reasonableness of fear, which indicated that the engagement in following and watching behaviour was a predictor for the highest ratings on this measure, participants indicated that the absence of such behaviours was a factor in lower ratings while the presence of such behaviour was a factor in higher ratings. Also similar to the regression models for severity and imminence of risk of harm, which indicated that the engagement in property intrusion was a predictor for the highest ratings on these measures, participants indicated that the engagement in property intrusion was an important factor in applying higher ratings on both these measures. As noted previously, following and watching, and property intrusion are frequent behaviours in stalking incidents (e.g., Mullen et al., 1999) and officers deemed these factors of high importance in ratings in the initial study.

While following and watching behaviour and property intrusion were both indicated as predictors in regression models as well as self-reported factors of importance for ratings, a number of self-reported factors differed from the identified predictors in the regression models. The most important factors, according to participants' self-reports, in decisions to apply lower ratings on all three measures was the absence of direct threats and the absence of a previous criminal history.

The importance of explicit threats is consistent with previous research that indicates that the use of threats was a better predictor of violence, at least in a former intimate stalking situation, than was a prior history of violence (Brewster, 2000). However, although research also indicates that a significant number of stalkers have previous criminal histories (Gill & Brockman, 1996; Mullen et al., 1999), a prior criminal history has not been found to be a consistent predictor of dangerousness or violence in stalking situations (Palarea et al., 1999; Rosenfeld & Harmon, 2002).

A consistent factor in the highest ratings on all three measures was some form of contact. As indicated by previous research, contact occurs in a majority of stalking

incidents (e.g., Mullen et al., 1999) and when considered independently as well as in the context of other stalking behaviours, contributes to increased ratings on these measures. It was ruled in *R v. Brock* (1999) that a statement by the complainant that he or she *felt* fear was sufficient evidence to meet the first element of the reasonableness of fear requirement under section 264 of the Criminal Code. According to participants' self-reports, expressed level of fear is not only important in decisions to apply higher ratings on the reasonableness of fear measure but also on the measure for imminence of risk of harm.

Results from the initial study indicated that the presence of elements frequently found in stalking incidents, specifically following and watching and indirect threatening conduct influenced ratings on all of the presented measures. Further, ratings were higher, according to most regression models, for vignettes featuring a male versus a female accused. Finally, the majority of participants indicated that the absence of certain variables, particularly the use of threats and previous criminal history, influenced lower ratings of reasonableness of fear and severity and imminence of risk of harm.

A second study was conducted in order to determine whether indicated factors of importance remained consistent if certain variables, particularly primary elements of criminal harassment (i.e., following, watching, indirect threatening conduct, and level of fear) were present in all vignettes. In other words, if the study controls for stalking behaviours, which factors of a case are deemed important in evaluations of reasonableness of fear and severity of risk of harm?

STUDY 2

Method

Participants

Participants were a random sample of 64 members of the E Division of the RCMP in BC (49 male, 14 female). Participants were approached at the beginning of a mandatory four-day Criminal Harassment and Domestic Violence training seminar prior to their participation in any potentially confounding workshops (all members of the E Division of the RCMP were required to attend the seminar over a two-year period). The ages of participants ranged from 25 to 54 years old (Mean = 37.61, $SD = 8.303$). Over half of the participants reported having been members of the RCMP for over nine years ($n = 33$, 52%), however, less than half had worked on more than nine criminal harassment cases ($n = 31$, 48%) throughout their careers. This research project received ethics approval from Simon Fraser University and participants were treated in accordance with ethical guidelines. Participants did not receive payment for their participation.

Materials

Vignettes

Vignettes depicting fictional criminal harassment cases were created from the manipulation of six variables (each with two levels). As initial study results indicated that other elements of criminal harassment legislation, including reported level of fear, following/watching behaviour, and threatening conduct contributed to ratings on the dependent variables, it was decided that these variables would be held at a constant level in the second study. Holding these variables constant served three purposes. First, by holding these variables constant the vignettes included in the second study met all the required elements for a criminal harassment case. As such, ratings on the dependent variables would be less likely to be influenced by fluctuations in the "level" of criminal harassment a vignette represented. Second, holding these variables constant allowed further analysis of less consistent predictor variables from the initial study, such as gender of the complainant and previous relationship. Finally, excluding these

variables from the analysis allowed manipulation of other potentially significant factors in ratings on the dependent variables, particularly those factors excluded from the initial study (namely criminal and psychological history). With only six factors, each at two levels (6^2), it was possible to create a full factorial design, which created 64 hypothetical vignettes. Six variables were systematically varied within the sixty-four new vignettes:

1. Gender of the complainant: male or female.
2. Gender of the accused: male or female.
3. Relationship of the complainant to the accused: the accused was a stranger whom the complainant had never met or the accused was a former intimate with whom the complainant had a previous two-year relationship.
4. Contact: the accused had been contacting the complainant indirectly through letters and voice mail messages or had been contacting the complainant directly over the telephone and by speaking to the complainant in person.
5. Psychological history: the accused either had no history of psychological problems or he/she had previously been treated for psychiatric problems.
6. Violence history: the accused either had no previous criminal history or a history of assaultive and threatening behaviour.

While the gender of the accused was a consistent predictor in the initial study, gender of the complainant was not. As the relationship between the complainant and the accused was of particular interest (due to previous research findings) both variables were included in the second study to determine the importance of gender under these new conditions. Although contact was frequently self-reported as an important factor in the initial study, it was unclear whether contact was deemed more important dependent on whether the contact was direct or indirect. Therefore, this variable was again manipulated in the second study. In all of the vignettes the duration of stalking behaviour was held at six months and the complainant's degree of fear was reported to be high (feeling scared, frightened, anxious, as well as changing his/her phone number and staying with a friend). Further, in all the vignettes the accused had been following and watching the complainant in public and possibly in private, and had engaged in property intrusion including leaving gifts/objects on the complainant's property (Appendix E). Although the absence of direct threats was a consistent influence on ratings in the initial study, direct threats were not included in the present study again due to the potentially

confounding effects of the addition of this variable, particularly that threats may be treated as a separate offence.

Questionnaire

While the same questionnaire from the initial study was employed in the second study, two core questions were removed. As each new vignette was designed specifically to follow the Criminal Code criteria for Criminal Harassment, it was deemed that the question querying whether the case constituted criminal harassment was unnecessary. Further, results from the initial study indicated that questions regarding the imminence of harm did not provide clear predictors and overlapped with severity of risk of harm, therefore, the question was removed. Apart from these omissions, the questionnaire remained as it was presented in the initial study (see Appendix B).

Procedure

The procedure for the second study was identical to that presented for the initial study. In the second study three questionnaires were replaced. Questionnaires were replaced in situations in which the participant had answered some but not all the required questions or when a participant had indicated that there was not enough information in the vignettes to answer any of the questions.

Results and Discussion

Frequency of Ratings

Over two-thirds (68%) of participants responded that complainants had “clear grounds” (45%) or “substantial grounds” (23%) to fear for their safety. Half of the participants (50%) felt that the accused posed a “high” (48%) or “extremely high” (2%) severity of threat. Consistent with the higher ratings of severity of risk, the majority of participants (73%) indicated that intervention should be “immediate”. Only one participant indicated that no intervention should be taken. Only 6% indicated they would wait and gather more information prior to more overt forms of intervention. The most frequently endorsed form of intervention was arrest and charges (48%), which is consistent with the design of the vignettes in this study to more closely resemble cases that meet criteria for criminal harassment. Issuing a Section 810 Peace Bond was

endorsed by 45% of participants while face-to-face deterrence was endorsed by 34% of participants.

Results from this study indicated that by holding certain variables constant in order to more closely resemble legislative criteria for criminal harassment and adding two variables (the accused's criminal and psychological history) the ratings for reasonableness of fear, severity of risk of harm, and the need for intervention all increased from the initial study. Further, in this study participants were more likely to suggest immediate intervention, particularly more overt forms of intervention including arrest and charges, Section 810 Peace Bond and face-to-face deterrence.

Regression Models

A stepwise regression was again performed using SAS. The six factors from the standard vignette (see Appendix E) served as independent variables in each of the regression models for ratings of the three dependent variables, including ratings of reasonableness of fear, severity of risk of harm, and the need for intervention.

Similar to the first study, for convenience of analysis, responses were treated as quasi-continuous, however, as responses were not continuous all R^2 values were low. Examining the residuals for all models supported the assumptions of normality, linearity, and homoscedasticity. Table 2 presents the variables selected by the stepwise procedure for each dependent variable, as well as the associated beta weight for each predictor variable.

Table 2:
Summary of Stepwise Regression Analysis for Study 2

Predictor Variables	p	β
Reasonableness of Fear		
History of Violence	0.688	0.000
Gender of Accused X Psychological Problems	- 0.281	0.034
Severity of Risk		
History of Violence	0.531	0.006
Need for Intervention		
Gender of Accused X Psychological Problems	- 0.344	0.004
Gender of Accused X Gender of Complainant	- 0.172	0.038

The regression model for reasonableness of fear was significant, $F(2, 61)=9.36$, $p<.001$; $R^2=.235$ and adjusted $R^2=.210$. As can be seen in Table 2, two variables entered the equation. The variable for a history of violence (including threatening behaviour) entered the equation in the first step, explaining 18% of the variance. The two-way interaction between the gender of the accused and a history of psychological problems then contributed an additional 6%. Participants rated a complainant's reasonableness of fear as highest in instances in which the accused was a male who not only had a history of psychological problems, but who also had a history of violent and threatening behaviour.

The regression model for severity of risk of harm was also significant, $F(1, 62)=8.18$, $p<.01$; $R^2=.117$ and adjusted $R^2=.102$. As can be seen in Table 2, only one variable entered the equation. Again, the variable for history of violence (including threatening behaviour) entered the equation in the first step, explaining 12% of the variance. Participants rated severity of risk of harm as the highest in instances in which the accused had a prior history of violent and threatening behaviour.

Finally, the regression model for the need for intervention was also significant, $F(2, 61)=6.77$, $p<.01$; $R^2=.182$ and adjusted $R^2=.155$. As can be seen in Table 2, two variables entered the equation. The two-way interaction between the gender of the accused and a history of psychological problems entered the equation in the first step, explaining 12% of the variance. The two-way interaction between gender of the accused and gender of the complainant contributed an additional 6%. The need for intervention was deemed as highest in those instances in which a male accused with a history of psychological problems was stalking a female complainant.

Information that an accused had a history of violent and threatening behaviour was a predictor of the highest ratings for both reasonableness of fear and severity of risk of harm. Previous research is inconsistent regarding whether a history of violence is a risk factor for violence during a stalking incident (e.g., Meloy, 1997; Rosenfeld & Harmon, 2002). However, this finding is consistent with the initial study, which indicated police officers deem information regarding an accused's criminal history as important in ratings of reasonableness of fear and severity of risk of harm.

Information that an accused had a history of psychological problems was also a predictor of the highest ratings for both reasonableness of fear and need for intervention.

Prior research indicates that a history of psychological problems has not been shown to be a risk factor for later dangerousness (e.g., Kienlen et al., 1997; Rosenfeld & Harmon, 2002). However, according to Mullen et al. (1999) complainants are more likely to fear an accused who is overtly mentally ill despite findings that individuals without mental health histories are more likely to be violent. The perception of an association between mental illness and violence lends support for the findings in these regression models. Further, participants must evaluate factors in the context of the vignette and the presence of a history of violence in combination with a mental health history may also influence perceptions of the importance of previous psychological concerns.

The gender of the accused (as a male) and the gender of the complainant (as a female) were also predictors of the need for intervention. This finding is consistent with the initial study and previous research that has identified the majority of stalkers as male (e.g., Gill & Brockman, 1996) and the majority of victims as female (e.g., Tjaden & Thoennes, 1998).

Self-Reported Factors

A descriptive analysis was used in order to determine which factors were deemed most important in ratings of reasonableness of fear and severity of risk of harm according to participants' self-reported responses. Each reported response was categorized according to whether it matched variables included in the vignettes or whether it identified a factor independent of information provided in the vignettes.

For those who rated that complainants had no or few grounds to fear for their safety, the three most common factors indicated as important in rating decisions included the absence of direct threats, the information that the accused did not have a previous criminal history, and the engagement in some form of contact, either direct or indirect, by the accused. When participants rated that complainants had some to substantial grounds to fear for their safety, the three most common factors indicated as important in rating decisions were that the accused had engaged in property intrusion, that the complainant reported a high level of fear, and that the accused had engaged in following and watching behaviour both in public and in private.

When participants rated the severity of risk of harm as very low to low, the three most common self-reported factors included the absence of direct threats, the information that the accused did not have a previous criminal history, and that the accused had engaged in direct or indirect contact. For those who rated the severity of

risk of harm as moderate to extremely high, the three most common indicated factors included the information that the accused had a history of violent and threatening behaviour, the engagement of following and watching behaviour by the accused, and the information that the accused had been treated previously for psychological problems.

Consistent with the initial study the absence of threats and criminal history were reported by participants as important factors in decisions to apply lower ratings to both measures. As has been noted previously, the use of threats has been indicated in previous research as a potential risk factor for dangerousness while research is unclear regarding an accused's criminal history. The engagement in some form of contact was also reported to be an important factor in decisions to apply lower ratings on both measures. When considered in the context of the vignettes, contact without some form of threat is likely to be evaluated as lower risk; however, it is important to note that each vignette featured other threatening forms of behaviour including following/watching and property intrusion. Although present in all vignettes, only participants who rated reasonableness of fear and severity of risk of harm as high indicated following and watching and property intrusion as important factors in decisions. Finally, a history of violence and psychological problems were indicated as important factors in higher ratings of severity of risk of harm. Again, research is inconsistent regarding the potential risk of previous criminal history and indicates prior psychological history is not a risk factor of dangerousness. However, in combination with a number of other stalking behaviours, these participants found such information important in risk determinations.

GENERAL DISCUSSION

Criminal harassment case law has identified elements of stalking cases that are deemed important in judicial decisions regarding a complainant's reasonableness of fear. Similarly, research on community perceptions of stalking has identified situations that would cause community members to feel fear, or to categorize a vignette as stalking. However, previous research has not identified those elements of criminal harassment cases that law enforcement officers deem important in making decisions to arrest or recommend charges be laid against an accused. As police officers are typically the first line of communication for a victim of stalking, it is important to determine how officers make these decisions. The current study presented officers with a number of factors found in stalking cases in order to determine how evaluations of reasonableness of fear and severity of risk of harm are made, as well as which elements are important in recommendations or decisions to intervene in potential cases of criminal harassment.

Research Questions

When assessing a complainant's reasonableness of fear, what characteristics of a criminal harassment case do law enforcement officers deem as factors that make a complainant's fear reasonable or unreasonable?

In both studies law enforcement officers indicated that the engagement in following and watching behaviour was a consistent factor in evaluating a complainant's fear as reasonable. In the absence of information regarding an accused's criminal or psychological history, law enforcement officers identified situations in which a female, who reported moderate or high levels of fear, was being harassed by a male who engaged in property intrusion as the most important factors in evaluating a complainant's fear as reasonable. When criminal and psychological history information was provided, a complainant's fear was most likely to be evaluated as reasonable in situations that featured a male with a history of violent and threatening behaviour and a history of psychological problems. Primarily, a complainant's fear was evaluated as less reasonable in situations in which the accused had no known criminal history and had not used direct threats of harm.

When assessing the severity of risk of harm that the accused poses, what characteristics of a criminal harassment case do law enforcement officers deem as factors that indicate a high or low degree of risk?

Similar to evaluations of reasonableness of fear, in both studies law enforcement officers indicated that the engagement in following and watching behaviour was a consistent factor in evaluating the severity of risk of harm. In the absence of information regarding an accused's criminal or psychological history, law enforcement officers identified situations in which a male accused engaged in property intrusion and indirect or direct contact as the most important factors in evaluating the severity of risk of harm. When criminal and psychological history information was provided, the severity of risk was evaluated as highest in situations in which the accused had a history of violent and threatening behaviour and a history of psychological problems. In both studies the severity of risk of harm was evaluated as low in situations in which the accused had no known criminal history, had not used direct threats of harm, and had engaged in indirect or direct contact. It appears that the presence of indirect and direct forms of contact are evaluated primarily within the context of the vignette, such that contact that does not include threats indicates lower severity of risk than situations in which direct or indirect contact is paired with more threatening forms of stalking behaviour, such as property intrusion, following and watching behaviour, and an accused's history of violent and threatening behaviour.

Do assessments of reasonableness of fear and severity of risk of harm made by law enforcement officers correspond to their subsequent evaluations of the need for intervention and their recommendations for intervention?

In the initial study, over half of the participants indicated that complainants had some or clear grounds to fear for their safety, although the majority of participants rated the severity of risk of harm as moderate to low. Although officers did not rate the severity of risk of harm as high, these officers still indicated that some form of intervention was necessary, primarily face-to-face deterrence. In contrast, in the second study, the majority of officers indicated that complainants had clear or substantial grounds to fear for their safety and that the severity of risk of harm was high to extremely high. When the severity of risk of harm was evaluated to be higher officers tended to endorse more restrictive interventions such as arrest and charges or a Section 810 Peace Bond. It appears that officers' recommendations and decisions regarding intervention are strongly influenced by their evaluations of the severity of risk of harm. However, even in situations in which severity of risk is rated as low, if reasonableness of fear is rated as moderate officers will still recommend some form of intervention.

To what extent are the factors considered indicators of dangerousness by law enforcement officers in criminal harassment cases similar to the factors identified in social science research to be indicators of dangerousness?

According to the regression models and factors indicated in officers' self-reported responses, officers in both studies identified a number of factors as indicators of dangerousness, or factors that were important in decisions regarding the severity and imminence of risk of harm and the need for intervention. The majority of identified factors are supported in previous literature as either potential risk factors for dangerousness or frequently identified elements of stalking cases.

Although consistently endorsed by officers, following and watching behaviours have not been shown in previous literature to be independent risk factors for dangerousness. However, these behaviours occur frequently and repeatedly in the majority of stalking cases. The presence of these behaviours in combination with a number of other stalking elements likely increases the risk for dangerousness, as these behaviours may represent an escalation in behaviour or the accused's disregard of possible detection. Therefore, taken in context these factors could be seen as indicators of dangerousness, although likely not exclusively. Similarly, the engagement in property intrusion has not been shown in the literature to be an independent risk factor of future violence. However, taken in context with a number of other stalking elements, property intrusion also represents an escalation in behaviour or a disregard of legal consequences by an accused, which may explain the high endorsement of this behaviour.

The majority of officers in the second study identified an accused's history of violence as an important predictor of severity of risk. Previous research is inconsistent regarding whether a history of violence is a predictor of dangerousness in all stalking situations. However, Palarea et al. (1999) have found a strong correlation between an accused's history of violence and the use of violence during stalking in their sample of individuals who were stalking a former intimate partner. Therefore, officers may feel that a history of violence, which has been shown to be important in former intimate stalking cases, may also be potential risk factors in other cases of stalking. Officers in the second study also indicated that a previous psychological history was an important factor in evaluations of severity of risk. Previous research has not shown a previous psychological history to be an indicator of future dangerousness, however, the common

misconception that mental illness is highly associated with violence may explain the endorsement of this factor.

The use of threats was not included in either study, however, previous research indicates that the use of threats is a potential risk factor for future dangerousness or violence (e.g., Brewster, 2000). The majority of officers who rated severity and imminence of risk as low indicated that the absence of direct threats was an important determinant in applying these lower ratings.

Although officers identified a number of factors that have some support in the literature regarding their potential as risk factors for dangerousness, officers did not identify the most frequently supported risk factor for dangerousness, that of the previous victim-stalker relationship. Although presented in both studies, the previous complainant-accused relationship was not identified as an indicator of increased risk in either study. Previous research has shown that former intimate stalkers use threats more often and are more likely to use violence in situations in which violence occurs than stalkers who are acquaintances or strangers (Palarea et al., 1999).

Strengths and Limitations

Without previous research regarding factors police officers deem important in these evaluations, it was necessary to include a broad range of factors in the initial study. Due to the large number of combinations of factors necessary to complete a full factorial design in the initial study, a fractional factorial design was chosen. As such, a number of possible combinations were not evaluated. It is possible that combinations of factors not chosen in the design may have had more influence in the regression models, perhaps giving more weight to factors not identified in the initial study. However, the consistency with which a number of factors were identified in the five regression models lends support for the ninety-six combinations of variables implemented in this study. The implementation of the second study then allowed for a more controlled study featuring fewer elements that were chosen based on the results of the broader initial study.

Officers within the sample had a broad range of previous experience with criminal harassment cases. Not focusing on a sample of officers with specialized experience with these cases allowed for a better evaluation of how most officers, with and without experience, may respond to possible situations of stalking. However, a lack of realism is inherent in vignette studies, and the current study required participants to

anticipate how they believed they would evaluate a particular situation. Another limiting factor in the presented vignettes was that these situations did not include all of the necessary information law enforcement officers would have access to in an investigation of a criminal harassment case. Officers, in self-reported responses, identified information that was missing from vignettes including the accused's intent, whether the complainant had asked the accused to desist, whether there had been an escalation in behaviour, and whether threats had been made. Other factors such as substance use were also excluded from the study and would be of importance in an investigation of stalking. Therefore, the current study only highlights factors of importance that were included in the study and may not be representative of an actual case of criminal harassment.

Implications for Theory

The present study demonstrated that officers identify a number of elements of stalking scenarios as important in criminal harassment investigations. However, the participants in the present study did not associate a complainant-accused relationship with increased levels of severity of risk. Although demonstrated in previous research to be a significant risk factor for dangerousness, it is apparent that a number of other factors are also perceived to be of importance. A number of these factors, including gender of the complainant and accused, have not been studied as frequently in scientific research. While it is important to communicate the importance of previous relationship as a risk factor for dangerousness, it is also important to note the significance of factors identified by those experienced in evaluations of criminal harassment. Factors identified as important in the present study may not be directly associated with dangerousness in a stalking scenario, but are perceived to have important implications in a stalking case, and should be investigated in future research. As a combination of behaviours occurs in stalking scenarios, it may be this combination, rather than a single factor, that is viewed as significant by law enforcement officers.

Further, previous literature regarding elements of stalking have focused most commonly on the same factors as those used in the current study, including elements of criminal harassment legislation as well as characteristics of the complainant and the accused, such as gender and criminal or psychological history. However, officers in the current study frequently indicated factors independent of the vignettes as important in their evaluations, including the intent of the accused and the credibility of the

complainant. Research regarding victim characteristics and victim behaviours would provide valuable information for evaluations of stalking situations. For example, does a victim's behaviour (such as attempting to stop a stalker by communicating with them) influence responses from an accused, increase or decrease others' perceptions of a victim's reasonableness of fear, or increase or decrease the level of dangerousness posed by an accused? Further, which victim characteristics influence an officer's perception of a victim's credibility or a victim's reasonableness of fear (apart from expressed level of fear)?

Implications for Practice

The present study sought to examine how police officers made determinations in fictional cases of criminal harassment. Although a number of factors of stalking cases that were identified by the officers in the current study as important in evaluations are consistent with previous research, some of the factors identified are inconsistent with research findings. The over-representation of previous psychological history as a factor for higher ratings of severity of risk of harm and the under-representation of the previous complainant-accused relationship in these evaluations, for example, may indicate that many of the more potentially dangerous stalkers could receive less immediate police intervention than those who in previous research have been identified as less dangerous (i.e., those with previous or current psychological concerns). This discrepancy supports the importance of communication between law enforcement and academic or clinical researchers in order to facilitate effective risk management in these situations by identifying factors that law enforcement, prosecutors, and judges ought to consider in stalking situations. However, the present study also indicated that several other factors, which have been supported by previous research, are also of importance in officers' decision-making regarding these cases.

Communication between scientific researchers and those involved in the arrest and prosecution of criminal harassment cases is important for a number of reasons. Research such as the present study facilitates identification of elements of criminal harassment cases that are scientifically supported as risk factors that may help guide stalking investigations by providing direction regarding factors that should be thoroughly investigated prior to making arrest, charge, or prosecution decisions. As part of these investigations, more information regarding potential risk factors may facilitate better

communication between law enforcement officers and complainants regarding feelings of fear and potential risk.

Further, the identification of important elements in stalking situations may facilitate communication not only between law enforcement and prosecutors regarding judgements of reasonableness of fear, but also between prosecutors and the triers of fact in a court case. Prosecutors are required to demonstrate to the triers of fact why a complainant's fear is reasonable based on the elements of a criminal harassment case, including judgements of the severity of risk of harm posed by the accused. Information gathered from research in this area may provide more effective means of communicating the level of risk or the reasonableness of a complainant's fear to the triers of fact.

The present study identified some discrepancy between risk factors identified in scientific literature and police officer perceptions regarding factors of importance in evaluations of reasonableness of fear and severity of threat. Future collaboration and further research may facilitate opportunities for the development of more efficient and effective risk assessment and risk management strategies in this area.

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Appendix A: Standard Vignette for Study 1

The complainant, a [man/woman] in [his/her] late 30s, reports that a [man/woman], approximately 35-40 years of age, has stalked [him/her] for the past [9weeks/9months]. The accused is a(n) [stranger/acquaintance/former intimate partner] that the complainant [had never met/worked with/had a two year relationship with] prior to the onset of harassment.

The complainant reports that the accused has [not been following (him/her), and (he/she) does not think the accused has been watching (him/her)/been following the complainant on foot and in (his/her) vehicle and watching the complainant while the complainant is in public places/been following the complainant on foot and in (his/her) vehicle while the complainant walks home from work and has been watching the complainant while the complainant is at home]. The complainant also reports that the accused [has not engaged in any threatening conduct such as property intrusion /has engaged in some property intrusion that includes leaving gifts/objects on the complainant's property]. [Further/However], the complainant has reported that the accused [has been contacting the complainant indirectly through letters and voice mail messages that have been left for the complainant at (his/her) place of residence/has been contacting the complainant directly over the telephone and by speaking to the complainant in person] and the complainant, as a result, has [*moderate fear* – stopped answering the door or the telephone/*high fear* – changed (his/her) phone number and gone to stay with a friend]..

The complainant reports feeling [*moderate fear* – uneasy, disturbed, and concerned/*high fear* - scared, frightened, and anxious] due to the accused's behaviour and has considered [*moderate fear* - changing (his/her) phone number/*high fear* – moving to a new residence]. Upon investigation it has been found that there is no indication that the accused has either a prior criminal history or a history of psychological problems.

Appendix B: Criminal Harassment Questionnaire

The following questionnaire focuses on the information provided in the fictional case report you have just read. Please use the information provided in the case report as well as your knowledge and experience working with criminal harassment cases to answer these questions honestly, and to the best of your ability.

Questions 1 and 2 concern your opinion of the reasonableness of the complainant's fear in the case presented:

1. The Criminal Code specifies that a victim of criminal harassment must experience reasonable fear for his/her safety or the safety of someone close to him/her. In this fictional case, how would you judge the reasonableness of the complainant's fear? Please circle one response.

1	2	3	4	5
The	The	The	The	The
complainant	complainant	complainant	complainant	complainant
has <u>no</u>	has <u>few</u>	has <u>some</u>	has <u>clear</u>	has <u>substantial</u>
<u>grounds</u> to	<u>grounds</u> to	<u>grounds</u> to	<u>grounds</u> to fear	<u>grounds</u> to fear
fear for	fear for	fear for	for his/her	for his/her
his/her safety	his/her safety	his/her safety	safety	safety

2. Many different factors often play a role in judging a victim's reasonableness of fear in a criminal harassment case. When assessing the reasonableness of the complainant's fear in this fictional case, as you have just done in the question above, what are the three most important factors about this case that you used as a basis for your judgement of the victim's reasonableness of fear? Please list in order of importance, with the most important factor first.

- a) _____
- b) _____
- c) _____

Questions 3 and 4 concern your opinion about the severity of the risk of physical and psychological harm to the complainant in the case presented:

3. How would you rate the severity of the risk of harm the accused poses towards the complainant in this fictional case? Please circle one response.

1	2	3	4	5
Severity is <u>very low</u>	Severity is <u>low</u>	Severity is <u>moderate</u>	Severity is <u>high</u>	Severity is <u>extremely high</u>

4. Many different factors play a role in judging the severity of the risk of harm posed by a accused in a criminal harassment case. When assessing the severity of the risk of harm the accused poses in this fictional case, as you have just done in the question above, what are the three most important factors about this case that you used as a basis for your judgement? Please list in order of importance, with the most important factor first.

- a) _____
 b) _____
 c) _____

Questions 5 and 6 concern your opinion about the imminence of the risk of physical and psychological harm to the complainant in the case presented:

5. How would you rate the imminence of the risk of harm the accused poses towards the complainant in this fictional case? Please circle one response.

1	2	3	4	5
<u>Not at all</u> imminent	<u>Somewhat</u> imminent	<u>Moderately</u> imminent	Imminent	Immediate

6. Many different factors play a role in judging the imminence of the risk of harm posed by the accused in a criminal harassment case. When assessing the imminence of the risk of harm the accused poses in this fictional case, as you have just done in the question above, what are the three most important factors about this case that you used as a basis for your judgement? Please list in order of importance, with the most important factor first.

- a) _____
 b) _____
 c) _____

Questions 7 and 8 concern your opinion about the need for and type of intervention, if any, that you would recommend for the case presented:

7. How strong do you feel is the need for action or intervention in this case? Please circle one response.

- | | | | | |
|--------------------------------------|---|--------------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 |
| Intervention is <u>not necessary</u> | Intervention is <u>unlikely</u> to be necessary | Intervention <u>may be</u> necessary | Intervention <u>will be</u> necessary in the near future | Intervention should be <u>immediate</u> |

8. What would be your recommendations in terms of intervention in this case? Please circle all that apply.

- | | |
|---|---|
| No Intervention | 1 |
| Wait for developments/more information before intervening | 2 |
| Face-to-face warning | 3 |
| Section 810 Peace Bond | 4 |
| Arrest and Charges | 5 |
- (*If you have chosen this option, please answer question 8b).

8b. If you circled option 5, Arrest and Charges, which offences would you recommend the accused be charged with? Please give a rationale for your choice.

Question 9 concerns your opinion as to whether the case presented constitutes a criminal harassment case:

9. Do you think that the pattern of behaviour identified in this fictional case constitutes criminal harassment as defined in the Criminal Code?

- | | | | | |
|--|--|---|--|--|
| 1 | 2 | 3 | 4 | 5 |
| This case would <u>definitely not</u> constitute criminal harassment | This case would <u>likely not</u> constitute criminal harassment | It is <u>unclear</u> whether this case would constitute criminal harassment | This case would <u>likely</u> constitute criminal harassment | This case would <u>definitely</u> constitute criminal harassment |

Questions 10, 11, 12, and 13 are related to information about yourself and your membership with the R.C.M.P.:

10. How long have you been a member of the R.C.M.P?

0-4 years 5-9 years 10-14 years 15-19 years 20+ years

11. How many cases of criminal harassment have you worked on or been involved with?

0-4 cases 5-9 cases 10-14 cases 15-19 cases 20+ cases

12. What year were you born? _____

13. Are you male or female? _____

Appendix C: Consent Form

You are invited to participate in a study to learn more about how police officers assess reasonable fear in criminal harassment cases. If you decide to participate in this study, you will receive a short vignette of a fictional criminal harassment case to read, followed by questions concerning your opinions and suggestions based on the case you were presented with. Some of the questions will also pertain to the length of time you have been employed with the R.C.M.P and your experience working on criminal harassment cases. This will take approximately 10 to 15 minutes.

The University and those conducting this project subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of participants. This form and the information it contains are given to you for your own protection and full understanding of the procedures. Your signature on this form will signify that you have received a document, which describes the procedures, possible risks, and benefits of this research project, that you have received an adequate opportunity to consider the information in the document, and that you voluntarily agree to participate in the project.

Potential Risks and Discomforts: There are no risks associated with participating. Specific information we obtain pertaining to your thoughts and opinions will not be made available to your employers, or to anyone else.

Confidentiality of Data: Any information that is obtained during the study will remain confidential. You will not be writing your name or any other specific identifying information on the research material. The only information requested is your age, your length of time employed in the R.C.M.P, and your experience working with criminal harassment cases. None of this information will be used to single out any one individual, but rather will be compiled to offer meaning to the study as a whole.

Withdrawal From The Study: Participation is voluntary. You are not required to take part in, nor complete the study, and you may withdraw your participation at any time.

Offer to Answer Questions: If you have any questions, please feel free to ask the investigator. If you have any questions later please feel free to call the investigators listed at the bottom of the page.

I have volunteered to participate in this project, which is under the direction of Dr. Stephen Hart and Jessica Ius from the Psychology Department at Simon Fraser University. I have been informed of the basic procedures of the study by the researchers, and by reading this consent form. I take part in this study with the understanding that I may withdraw my participation in the experiment at any time, and that I may register any complaint with the primary research or with the Interim Chair of the Psychology Department, Dr. Kim Bartholomew.

SIGNATURE OF PARTICIPANT _____ DATE _____

SIGNATURE OF WITNESS _____ DATE _____

Investigators:

Jessica Ius (604-291-4697) and Dr. S. Hart (604-291-5485)
Department of Psychology, Simon Fraser University, Burnaby, B.C., V5A 1S6

Appendix D: Debriefing Form:

Thank you for participating in this research study. Your opinions and participation are greatly appreciated. This debriefing form has been provided to give you some background information about the purpose of the study in which you have just participated. A brief outline of criminal harassment research is provided followed by a brief summary of the primary goals of this study.

Stalking has only recently been acknowledged as a serious social concern, and only in the last eight years has it been acknowledged as a crime in the Canadian Criminal Code. Although there has been a fair amount of research in the social sciences pertaining to stalking behaviours, there is little research at this time that has focused on both the legal and psychological aspects of criminal harassment, particularly the role law enforcement officers play in these cases.

Part of the Criminal Code definition of criminal harassment is that the victim must experience reasonable fear for his or her safety or the safety of someone known to him and her. The definition of reasonable fear is not made explicit within the code. Therefore, to understand how the legal arena makes judgements of and interprets reasonable fear in criminal harassment cases, one must turn to case law. In a review of several B.C. Supreme court cases case law has given some clues as to the legal interpretation of reasonable fear in criminal harassment cases. For example, in R. v. McBride, 1997, Judge Paradis suggested that although a threat may not have been intended to, in reality, mean what was suggested, it is not "unreasonable or irrational" (p. 5) for the recipient to develop fear from such threats.

These cases give clues to how reasonableness of fear is interpreted within a court of law, but does not shed light on how law enforcement officers interpret the same concept. Law enforcement officers are often the victim's first attempt at intervention in criminal harassment case, long before such cases appear before a court of law. Discovering how reasonableness of fear is assessed by law enforcement officers is important because often charges are only laid, or cases are only brought to court, if the available evidence supports the claim that the victim was in reasonable fear for his or her safety (Department of Justice Canada, 1999). It is believed that assessing the severity and imminence of threat in criminal harassment cases further plays a role in the course of action law enforcement officer's take in such cases, and may also play a role in an assessment of reasonableness of fear.

Further, social science research has indicated that a prior victim-accused relationship is one of the most consistent indicators of dangerousness in criminal harassment cases. Other risk factors, such as prior criminal and psychiatric histories, have also been studied as potential indicators of dangerousness with conflicting results.

Based on the above research, the purpose of the present study was to discover what factors of a criminal harassment case law enforcement officers would consider most important when assessing a victim's reasonableness of fear, and the severity and imminence of threat posed by the accused. The goal of the present study is to attempt to bridge the gap between scientific research and actual experience in criminal harassment cases. Comparing and contrasting risk of dangerousness factors identified by law enforcement officers and scientific research may shed light on the primary risk factors that anyone involved in criminal harassment cases should be aware of to help protect the potential and actual victims of criminal harassment.

If you have any questions concerning this research, or wish to receive a copy of the general results of this study, please feel free to contact either Jessica Ius (phone: 604-291-4697) or Dr. S. Hart (604-291-5485), Department of Psychology, Simon Fraser University, Burnaby, BC, V5A 1S6.

Appendix E: Standard Vignette for Study 2

The complainant, a **[man/woman]** in **[his/her]** late 30s, reports that a **[man/woman]**, approximately 35-40 years of age, has stalked **[him/her]** for the past six months. The accused is a **[stranger /former intimate partner]** that the complainant **[had never met/had a two year relationship with]** prior to the onset of harassment.

The complainant reports that the accused has been following the complainant on foot and in **(his/her)** vehicle and watching the complainant while the complainant is in public places and possibly while the complainant is at home. The complainant also reports that the accused has engaged in threatening conduct through property intrusion that included leaving gifts/objects on the complainant's property. Further, the complainant has reported that the accused **[has been contacting the complainant indirectly through letters and voice mail messages that have been left for the complainant at (his/her) place of residence/has been contacting the complainant directly over the telephone and by speaking to the complainant in person]** and the complainant, as a result, has changed **(his/her)** phone number and gone to stay with a friend. The complainant reports feeling scared, frightened, and anxious due to the accused's behaviour and has considered moving to a new residence and changing **[his/her]** place of employment.

Upon investigation it has been found that the accused has **[no prior criminal history/a history or assaultive and threatening behaviour]**. **[Further/However]**, the accused has **[no prior history of psychological problems/been treated for psychiatric problems in the past]**.