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## Phenomenological Perceptions of Judges, Attorneys, and Victim Service Professionals Regarding Stalking Victimization

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# Walden University

College of Social and Behavioral Sciences

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Julienne Long

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Abstract

Phenomenological Perceptions of Judges, Attorneys, and Victim Service Professionals  
Regarding Stalking Victimization

by

Julienne Long

MPhil, Walden University, 2022

MEd, University of Dayton, 2008

BA, The Ohio State University, 2004

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

May 2022

## Abstract

Stalking is a public health crisis and a public safety issue. There is extant research on relationship violence, such as domestic violence and sexual assault; however, stalking is not generally the focus of practitioners. There are no qualitative studies on the perceptions of judges, attorneys, or victim service professionals regarding stalking victimization. Therefore, the purpose of this study was to explore how judges, attorneys, and victim service professionals perceive stalking victimization. Through a qualitative, phenomenological inquiry, six judges, six attorneys, and eight victim service professionals in the state of Ohio were interviewed. Systems theory was used as the theoretical framework. From their responses, six categories were identified: risk factors, stereotypes, treatment, accountability, support and improving systems. Two to three themes were identified under each category. Understanding the perceptions and experiences of judges, attorneys, and victim service professionals provided a voice to a population that is not often considered in the literature: stalking victims. These perceptions may help guide positive social change through offering appropriate services and shine a light on victims of stalking considering the focus has historically been on other types of relationship violence. Because stalking behavior is such a lethality factor, this attention has the potential to save lives.

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## Chapter 1: Introduction to the Study

It is estimated that 3.3 million people are stalked annually, and the offender is often a former intimate partner of the victim (Menard & Cox, 2015). Stalking is a pattern of behavior, closely related in time, of intrusive, unwanted contact by an offender that causes fear/mental distress, or a threat being made. Stalking behavior has been viewed in legal case reports since the 18th century but did not become a crime in the United States until the 1990s (Etervoic-Sonic et al., 2017; Scott & Sheridan, 2011). Stalking has become illegal in all 50 states and the District of Columbia in the last 20 years (Bennett Cattaneo et al., 2011). Stalking behavior is hard to escape and may occur both physically and electronically; unwanted contact may include waiting for someone outside their work, school, or residence, and/or frequent unwanted calls/texts/emails (Griner et al., 2017). Additional examples include showing up unannounced and contact made through the internet (e.g., social media or email) or smart devices (e.g., an iPhone or tablet). Stalking behavior invokes fear and mental distress regardless of the type of intrusive behavior.

Stalking behavior is a risk factor for intimate partner homicide, yet there are few studies on stalking victimization (Fox et al., 2016). Topics related to domestic violence tend to dominate the research in the field (Dardis & Gidycz, 2019). Stalking is often an aftermath of domestic violence and a predictor of sexual violence (Matias et al., 2020; Musielak et al., 2020; National Center for Victims of Crime, 2018). In this study, I addressed the topic of stalking victimization through the perceptions of judges, attorneys, and victim service professionals. To gather these perceptions, judges from various levels

of the Ohio justice system, attorneys that represent defendants and victims, and victim service professionals from varying agencies in Ohio were interviewed.

There is a gap in the literature specifically addressing ways to respond to stalking behavior while engaging victims in the process (Backes et al., 2020). Better outcomes for victims occur when the justice system and victim service professionals work together on behalf of victims of crime (Brame et al., 2015). Potential positive social change implications for this study included increasing the effectiveness of safety planning with victims, appropriately charging stalking as a crime, prosecuting the behavior to the fullest, and providing meaningful and timely advocacy. The goal of this study was to provide strategies that may increase accountability for stalking offenders, reduce suffering, and save lives. Controlling stalking behavior is difficult, but what may improve is the response to it.

I begin this chapter by providing background information on stalking behavior. A problem statement and the purpose of the study are also provided. I then present research questions followed by a description of systems theory, which served as the theoretical framework. The nature of the study is outlined before important terms are defined. Assumptions critical to the meaningfulness of the study are also clarified. Additionally, the scope of the study and delimitations are listed. Limitations, such as methodological weaknesses and research biases as well as how they will be managed, are also included in this chapter. Lastly, I conclude the chapter by explaining the significance of the study.

## **Background**

Stalking behavior has evolved over time. Stalking-type behavior was mentioned in legal case reports as far back as the 18th century (Scott & Sheridan, 2011). In the United States, stalking became more widely known in the 1990s after the death of an actress murdered by a fan in California (Coleman, 1997). Stalking became a crime in California soon after, and other states followed (Brady & Nobles, 2017; Cass & Mallicoat, 2015; Pathe & Mullen, 1997).

There are several social implications to stalking. The behavior has been labeled both a public health crisis and a public safety issue (Backes et al., 2020). Considering that stalking increases the chance for femicide, a timely and effective response from the justice system and victim service professionals is necessary (Banyard, 2014; Campbell et al., 2003; Dardis & Gidycz, 2019). Regardless of the relationship between the offender and victim of stalking, the behavior is a predictor of homicide (Smith, 2020).

There is a gap in the literature related to stalking among first responders, police service calls, and the progression through the various stages of the criminal justice system (Brady & Nobles, 2017). In a review of the literature, I found articles on stalking victimization; however, in the extant literature there is little to no focus on the perceptions of judges, attorneys, or victim service professionals regarding stalking victimization. Understanding such perceptions may aid in the response to the behavior (Kinkaide et al., 2005). Research in this area is necessary because of the long-lasting effects of stalking behavior (The Stalking, Prevention, Awareness, and Resource Center,

n.d.). Additionally, this study was needed because effective responses from the justice system and victim service professionals may have a direct impact on saving lives.

### **Problem Statement**

Stalking does not happen occasionally, and it is not a rare phenomenon (Wheatley et al., 2020). Stalking affects 7.5 million people per year (Backes et al., 2020; The Stalking, Prevention, Awareness, and Resource Center, n.d.). Between 12% and 16% of women and 4% to 5% of men are stalked in their lifetime (Black et al., 2011). To be considered a crime, the pattern of behavior must cause the target to feel fear and/or mental distress. Stalking invokes financial, physical, and emotional turmoil. An example of a financial impact of stalking is the victim having to move or lose their job because of the stalker's harassment at their workplace. An example of a physical impact of stalking is harm caused to the victim when stalking behavior turns into a physical attack. Emotional turmoil may include mental distress and possibly having to seek therapy. Because of the impact of stalking, victims may endure serious and long-lasting effects (The Stalking, Prevention, Awareness, and Resource Center, n.d.).

With the evolution of the internet and social media, stalking has evolved from a physical, in-person crime to *cyberstalking*, or stalking through electronic means (Woodlock, 2017). Physical stalking has become less common than unwanted text messages and harassment over social media (Morris et al., 2020). Home security systems and smart devices have provided an easier opportunity for stalkers to monitor their victims, especially if the stalker was a former intimate partner and had access to passwords and log-in information (Messing et al., 2020). Smart devices may include

iPhones, tablets, GPS, Alexa, EchoDots, and Ring doorbell cameras. Cyberstalking may cause more fear and mental distress than physical stalking because of the duration and frequency of exposure to traumatic experiences (Morris et al., 2020). Victims of stalking are identified as such once they have been spied on, had their property vandalized, or were contacted incessantly through electronic communication (Magyarics et al., 2015). Stalking behavior often involves other crimes of violence within the pattern of conduct and may include criminal trespass, violation of a protection order, assault, and domestic violence, to name a few.

Considering the lethality of stalking behavior, research on how the justice system and victim service professionals appropriately respond to stalking behavior in a timely manner is necessary. To provide valuable, rich, and robust data to the justice system and victim service agencies on when and how to intervene with victims of stalking, I explored the lived experiences and perceptions of judges, attorneys, and victim service professionals among the various levels of the Ohio justice system and different facets of victim service organizations within the state of Ohio concerning stalking victimization. To date, there is more of a focus in the literature on domestic and sexual violence rather than stalking. For the justice system and victim service professionals to improve their response to stalking victimization, there must be an increased awareness and understanding of how professionals in the various systems think and react to the behavior (Boehnlein et al., 2020).

## **Purpose**

For the justice system to have the appropriate tools to combat stalking, an understanding of what constitutes stalking, precipitants of the behavior, and increased reporting to the police is needed (Menard & Cox, 2015). Additionally, appropriate accountability measures should be explored. Therefore, the purpose of this qualitative, phenomenological study was to understand the lived experiences and perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Previous research on stalking victimization has been minimal, so there is little specific extant research on how judges, attorneys, and victim service professionals perceive the behavior. In this study, I conducted an ontological inquiry with a focus on the relationship between victims of stalking, the justice system, and victim services. The results of this study aided in the understanding of the perceptions of the justice system and victim service professionals concerning stalking so that more timely and accurate responses may be provided. These perceptions helped identify specific gaps in the understanding of stalking behavior and determined what training was needed for professionals to better understand stalking victimization.

## **Research Questions**

The central research questions of the study were:

1. What are the lived experiences and perceptions of judges and attorneys within the various levels of the Ohio justice system regarding stalking victimization?
2. What are the lived experiences and perceptions of victim service professionals within various agencies in Ohio regarding stalking victimization?



## **Theoretical Framework**

Theories are created as central ideas for scientists to explain how things happen and why the world is the way it is (Walden University Center for Research Quality, 2015). The theoretical framework used in this study was systems theory. Ludwig von Bertalanffy developed system theory in 1968 to explain the interchange between organizational relationships, interdependent relationships within the organization, and the organization-environment relationship (Lai & Lin, 2017; Vanderstraeten, 2019). Systems theory has been used in previous research to evaluate how relationships depend on one another when the goal was to analyze how systems react, adjust, and realign to ever-changing conditions (Katz & Kahn, 1996).

For this study, the justice system and victim service organizations constituted the systems, and victims of stalking constituted the environment the systems interacted with. I worked to understand the interchange between the justice system, victim service professionals, and victims of stalking by gathering the current perceptions and practices of judges, attorneys, and victim service professionals who work in Ohio. The goal of this study was not to change the justice system or victim services but merely to aid in their understanding of stalking victimization so that areas of improvement would be revealed and suggestions would be made to improve the response to victims of stalking.

## **Nature of the Study**

To understand the lived experiences and perceptions of judges, attorneys, and victim service professionals regarding stalking victimization, I used the qualitative research method. Much of social science research quantifies, or counts, something and

then analyzes the findings (Rubin & Rubin, 2012). Unique to qualitative research is the ability to understand the depth rather than the breadth of a phenomenon (Rubin & Rubin, 2012). Moreover, qualitative research allows for an in-depth assessment of a specific phenomenon and provides an opportunity to add attention to detail, context, and nuance (Patton, 2015). Because the purpose of this study was to be more specific than what a generalized hypothesis of statements can convey, I used qualitative research to extract meaningful data on this topic (see Mason, 2010). Additionally, there was a dearth of existing research on the help-seeking behaviors of stalking victims (Reyns & Englebrecht, 2014). It is for these reasons that I qualitatively explored stalking victimization through the lens of judges, attorneys, and victim service professionals.

In this study, I employed a phenomenological design. Phenomenology allows the researcher to capture descriptions of how people experience a particular phenomenon (Patton, 2015). By using phenomenology, researchers may gather a culmination of experiences from several individuals who experienced the same phenomenon (Creswell & Creswell, 2018). In this study, the culmination of experiences included the justice system and victim service professionals' interactions with and perceptions of stalking victimization. Research on stalking victimization was needed because of the gap in the literature: The perceptions of judges, attorneys, and victim service professionals concerning stalking victimization were unknown because researchers have tended to focus on sexual assault and domestic violence (Banyard, 2014; Dardis & Gidycz, 2019).

## Definitions

In this section, I define key concepts that were used throughout this study.

Definitions were extracted from the literature and resources specific to stalking behavior.

*Cyberstalking*: Stalking through the means of electronic communication or devices that involves using a variety of technological platforms to communicate repeatedly with, harass, and/or threaten a victim of stalking (Nobles et al., 2014).

Examples of cyberstalking may include incessant texting/calling, making up fake social media accounts to gain access to victims' profiles, harassing emails, unlawful dissemination of intimate images, and GPS tracking, to name a few.

*Mental distress*: Substantial emotional distress that may cause a victim of stalking to seek psychological treatment. However, undergoing psychological treatment is not necessary to prove their level of mental distress. Examples of mental distress may include headaches, weakness, weight change, stomach issues, and sleep disorders (Acquardo Maran et al., 2020). Additional symptoms may include psychological damage, increased anxiety, symptoms of posttraumatic stress disorder, and changes in everyday habits (e.g., work schedules, driving routes, places known to shop, etc. (Bailey & Morris, 2018; Eterovic-Sonic et al., 2017).

*Stalking*: A pattern of behavior, or course of conduct, that causes mental distress and/or fear or results in a threat being made; it may be physical and/or electronic in nature. The definition of stalking has been disputed, and there is no one definitive anti-stalking law (Owen, 2016; Scott & Sheridan, 2011).

### **Assumptions**

One assumption I made was that the study would generate robust, descriptive data on the perceptions of stalking victimization as they pertained to the justice system and victim service professionals. Qualitative researchers tend to look at events that unfold over time (Rubin & Rubin, 2012). When being interviewed for this study, the judges, attorneys, and victim service personnel had the opportunity to discuss their experiences of working with stalking victims. I asked open-ended, linked interview questions, which were planned in advance, and included main questions, probes, and follow-up questions (see Rubin & Rubin, 2012). During initial interviews, the meaning of the participants' perceptions of stalking victimization revealed itself; therefore, follow-up interviews were not necessary.

I also assumed that the study would pertain to my own experience as a victim service professional who had previously interacted with and provided advocacy for victims of stalking. Realistically, I had my own assumptions and biases related to this topic, but recognizing them was the first step in minimizing them and their effect on the study. I used responsive interviewing in which I ascribed legitimacy to others' points of view. Although my own assumptions and biases were monitored, it did not mean I would not make mistakes. Rubin and Rubin (2012) stated that people do not have to be perfect to do well in the world. When doing data analysis, Engward and Goldspink (2020) recommended not to set aside a time for the process but to have the process be fluid and evolve over time.

A final assumption was that there would be a sample size large enough for data saturation to be met. Saturation is the process of analyzing patterns in a study and continuing to add samples until no new information is gathered (Patton, 2015). Mason (2010) conducted a study on how many participants researchers used for phenomenological studies and found the average to be 20. For this study, I planned to interview 15 to 24 participants or to interview until saturation was met. Considering there was an on-going, worldwide pandemic happening at the time of this study, hot spots of the virus had the potential to prevent me from interviewing people in-person or even at all. When necessary, telephone and Zoom interviews were considered. In-person interviews were the preferred mode of interviewing and took precedent over all other modes available.

### **Scope and Delimitations**

The research problem addressed in this study was the perceptions of judges, attorneys, and victims service professionals regarding stalking victimization. There was simply a lack of understanding of these perceptions considering practitioners focused more on other types of relationship violence. Judges who work at various levels of the Ohio justice system were interviewed for this study, including those who preside over misdemeanor cases and protection order hearings. Additionally, I interviewed attorneys from various levels of the Ohio justice system, including those who prosecute defendants, provide legal counsel to offenders, work in policy and research, and represent victims at protection order hearings. Victim service professionals interviewed in the study included those who work as a legal advocate, community advocate, advocates who work with non-

English-speaking victims, and professionals who advocate for university students who were victims of crime. I used criterion sampling to ensure all who were interviewed had knowledge of stalking victimization.

The focus of this study was on stalking victimization through the lens of the justice system and victim services. Those who work in the justice system and victim services have direct contact with stalking victims. These professionals also work with victims of domestic violence and sexual assault, which are often where the research focus has been in the past. Stalking behavior is both an aftermath of domestic violence and predictor of sexual assault; therefore, addressing victims in a timely, appropriate manner is necessary (Matias et al., 2020; Musielak et al., 2020; National Center for Victims of Crime, 2018). Additionally, researchers have recognized the gap in the literature as it relates to conversations among and between law enforcement, other first responders, police service calls, and the various levels of the justice system (Brady & Nobles, 2017). Because of the noticeable gap in the literature on the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization, I focused on obtaining rich, robust, and descriptive lived experiences from those professionals in this study. Obtaining a better understanding of their perceptions and experiences provided an opportunity to develop safety plans, increase and improve responses to victims of stalking, and improve the ability to impart specific strategies to enhance victim engagement.

Transferability refers to how well a study can be applied, or the degree to which it can reach beyond the bounds of the study. My goal was for this study to be applicable to

similar situations or individuals. The focus of this study was on the Ohio justice system and victim service professionals working in the state of Ohio. The findings could be reviewed by judges, attorneys, and victim service professionals who work with victims of stalking whether in Ohio or beyond. The perceptions of judges, attorneys, and victim service professionals regarding stalking victimization in this study were unique to these participants. Stalking is not just a national dilemma; it may be deemed a worldwide phenomenon because the rate of stalking behavior in the United States is similar per capita to that of other countries (Sheridan et al., 2016). Therefore, this study could be reviewed and utilized across the entire world.

### **Limitations**

When conducting studies, both the researcher's biases and other threats to internal validity should be considered (American Psychological Association [APA], 2020). One suggested way to manage researcher bias is to recognize the tools for measurement, sample size, and barriers to conducting the study (APA, 2020). Regarding researcher bias, I had my own experiences as a victim service professional who worked with victims of stalking. It is possible my experience may contradict what others in the industry think of stalking victimization. Creswell and Creswell (2018) said researchers can present evidence contrary to the general perspective of the phenomenon; such contradictory evidence may even provide a more realistic and more valid account at hand. What was important to avoid was confirmation bias, or the tendency to include preexisting ideas of a phenomenon. Reflexivity, or how a researcher inputs their own interpretation of a

study, increased the study's reliability and validity. Without this recognition, the robustness of a study may be limited.

Although limitations may decrease the validity of a study, recognizing there are limitations may help the integrity of the study remain. Another limitation of this study was that qualitative research is less robust than quantitative or mixed method research. Qualitative research turns data into findings, but there is no sure formula for doing so (Patton, 2015). The sample size of qualitative research is much smaller than quantitative research, but the massive amount of data in interviews, observations, field notes, and documents must be sifted through to extract meaningful and significant data (Patton, 2015). Additionally, there is no one straight forward test that can be applied for reliability and validity (Patton, 2015). The goal in qualitative research is to reach data saturation, or the process of the themes repeating themselves. Professionals discussing their lived experiences of stalking victimization may have experienced many of the same phenomena, and recognizing these phenomena may enhance victim services.

Researchers should consider the targeted population versus the available sample (APA, 2020). An additional limitation to the study was outside forces that could have impacted the sample size. Although the goal was to interview between 15 and 24 people, considering the COVID-19 pandemic had impacted the entire globe at the time of this study, it could have been difficult to reach this range. To accommodate barriers the pandemic may have presented, I considered using other modes of interviewing, such as telephone and Zoom interviews. In person, one-on-one interviews took precedent over all other modes of interviewing. Additionally, a non-representative sample could have been



a limitation to the study. Some people have proven to have more access to medical care and a vaccine than others, and this could have impacted the variability of research participants.

Stalking behavior is a crime that is difficult to investigate and prosecute (Brady & Hayes, 2018). Boehnlein et al. (2020) pointed out that law enforcement, judges, prosecutors, and other criminal justice personnel need more education and training on the topic of stalking. Those interviewed may have been reticent to discuss their true perceptions of stalking victimization because of unawareness of the behavior, what constitutes the behavior as a crime, and what victims of stalking need to feel supported and safe. Participants may have answered questions without providing much detail, too simply, or too broadly (see Rubin & Rubin, 2012). To gain robust descriptions of their experiences as a professional working with stalking victims, I translated questions that may have been deemed broad and abstract into specific, concrete inquiries. This technique provided participants with the opportunity to recall their experiences to the best of their ability (see Rubin & Rubin, 2012). Furthermore, I provided participants with the opportunity to expand on what was lacking in the justice system and victim services as it related to stalking victimization. By acknowledging that there were shortcomings, participants were more willing to talk about holes in the systems they had experienced.

### **Significance**

Sexual assault and domestic violence have dominated the research on relationship violence (Banyard, 2014; Dardis & Gidycz, 2019). Little research has been conducted on the legal system as it relates to stalking victimization, although researchers in the social

sciences are beginning to recognize the impact stalking has on the criminal justice system and mental/public health systems (Brewster, 2001; Nobles et al., 2018). The problem I addressed in this study was closing the identifiable gap concerning the perceptions that judges, attorneys, and victim service personnel ascribed to stalking victimization. I worked to close this gap by providing meaningful, robust data on stalking victimization through conducting a qualitative, phenomenological study. By assessing the lived experiences of justice system and victim service professionals, developing an understanding of these perceptions had the potential to advance and improve current practices being implemented by professionals working with victims of stalking.

There is a risk to validity when victims are asked to describe their own experiences of stalking because of their lack of knowledge of stalking and what makes the behavior a crime (Nobles et al., 2018). Professionals in the field of criminal justice and victim services have more knowledge and training in the field of stalking than victims of stalking do. However, the ambiguity of a stalking definition creates challenges for both victims of stalking and professionals in the field (Reyns & Englebrect, 2014). Considering the lethality of stalking behavior, professionals in the justice system and victim services should be competent in assessing victims' risk level (Lynch et al., 2019). For there to be an appropriate and timely response to victims of stalking, there must be a better understanding of the responses provided by the justice system and victim services, which may be done by assessing their beliefs (Boehnlein et al., 2020). Currently, such responses by the justice system and victim services are not clearly understood (Brady & Hayes, 2018). Moreover, by assessing the perceptions of judges, attorneys, and victim

service professionals regarding stalking victimization, there was an opportunity to better understand how to provide more timely and appropriate response to victims, develop better safety planning techniques, arrive at an identifiable means of understanding the risks of stalking behavior, and implement appropriate accountability for stalking offenders. Ultimately, this study had the potential to provide insight into a lethal behavior that may save lives. It is for these reasons this study could make a positive impact on social change.

### **Summary**

In the first section of this chapter, I provided background on stalking behavior followed by a problem statement and purpose of the study. Research questions were provided. Systems theory was detailed as the theoretical framework. The chapter also included a description of the qualitative, phenomenological method of inquiry and important terms, such as cyberstalking, mental distress, and stalking were defined. Clarifications regarding assumptions critical to the meaningfulness of the study were discussed. Additionally, I listed the scope of the study and delimitations as well as presented the limitations, such as methodological weaknesses and research biases, and how they were managed. Lastly, the chapter concluded with a discussion of the significance of the study.

In Chapter 2, I will provide a much deeper analysis of stalking behavior. The chapter will include a review of the literature, barriers to understanding the prevalence of stalking behavior, the prevalence of stalking, precipitants of stalking, impact of stalking,

reporting practices of victims of stalking, the justice system response to stalking, and the response of victim services.

## Chapter 2: Literature Review

Stalking behavior constitutes recurrent, unwanted, intrusive behavior that causes mental distress (Yahya & Khawaja, 2020). Unique to stalking behavior charged as a crime is the requirement of a series of acts targeted at a specific person; all other crimes require a single incident for there to be probable cause to charge the offense (Brady & Hayes, 2018; Brady & Nobles, 2017; Owens, 2016). Lynch et al. (2019) said stalking may involve surveillance, unwanted contact, the spreading of rumors, threat of violence, property damage, and actual violence. According to Black et al. (2011), the National Intimate Partner and Sexual Violence Survey reported the most common type of stalking behavior as calls/texts, followed by in-person contact. Wood and Stichman (2018) agreed that the most common method stalkers use to contact their victims is their phone.

With the evolution of the internet and social media, a new type of interpersonal violence has emerged that is known as *cyberstalking* (Woodlock, 2017). Much like the lack of a definitive definition of stalking, there is no widespread definition of cyberstalking either (Wilson et al., 2021). For this study, cyberstalking referred to stalking through electronic communication, social media, and/or electronic devices. Unwanted text messages and social media harassment are more common than in-person, or physical, stalking (Morris et al., 2020). Cyberstalking may cause the same, if not more, mental distress because of the constant reminders of trauma and frequent exposure to traumatic experiences (Morris et al., 2020). Surveillance by an intimate partner has become easier with the evolution of technology-connecting devices to everyday objects, such as home security systems and smart devices (Messing et al., 2020). Smart devices

may include Amazon Alexa, Echo Dots, Ring doorbells, cell phones, tablets, GPS), and Smart TVs, to name a few. Smart devices allow access to homes, personal lives, daily routine, and location. Individuals identify themselves as stalking victims once they have been spied on or followed, their property has been vandalized, and/or they have received unwanted electronic communication (Magyarics et al., 2015).

Over the past 30 years, stalking has gained the attention of the criminal justice system, the government, and campus universities (Myers et al., 2016). Social scientists have found the topic of stalking to be of interest since the 1900s (Acquardo Maran et al., 2020). Additionally, in the last 20 years, researchers have turned their attention to the topic of stalking (Fox et al., 2016). An estimated 5% of men and 8% of women will be stalked in their lifetime (Wood & Stichman, 2018). Most notably, stalking is a risk factor for intimate partner homicide (Spencer & Stith, 2020). The problem I addressed in this study was stalking victimization. The purpose of this qualitative, phenomenological study was to provide valuable, rich, and robust data to increase the understanding of the lived experiences of judges, attorneys, and victim service professionals and their perceptions of stalking victimization in the state of Ohio.

In this chapter, I conduct a review of the literature focusing on the themes surrounding the prevalence and dangers of stalking behavior, its impact on victims, and reactions from various professionals who respond to stalking behavior. To prepare for this study, I reviewed significant scholarship on the evolution of stalking as a crime, stalking-type mentality, barriers to understanding the prevalence of stalking, the impact of stalking, victim responses to the behavior, justice systems' responses to stalking

behavior, and victim service personnel's responses to stalking-type behavior. While conducting my search, I found few studies addressing the perceptions of stalking behavior by judges, attorneys, and victim service professionals. Historical texts between 1996 and 2011 provided a foundation for understanding the prevalence, severity, nature, and progression of stalking behavior. Moreover, these historical texts outlined the need for the justice system and victim service professionals to respond appropriately and quickly to stalking-type cases. Based on the literature review, I identified a gap in knowledge concerning the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization.

### **Gaps in the Literature**

Stalking behavior has proven to be lethal, yet few studies have been conducted on stalking victimization (Fox et al., 2016). Even though stalking has been shown to increase intimate partner homicide, the unwanted pursuit of an intimate partner is less of a focus than the more dominant topic of domestic violence in the literature (Dardis & Gidycz, 2019). Researchers have focused much more on sexual assault than relationship abuse or stalking (Banyard, 2014). Although variables related to sexual assault have been previously examined in the literature, stalking-type behavior has increasingly become a point of concern for college administrations and institutions (Wood & Stichman, 2018). Backes et al. (2020) described intimate partner stalking as a public health crisis and a public safety issue; however, it is a largely unstudied area, especially victim engagement and responses to stalking behavior. Social science researchers are beginning to recognize stalking behavior and its impact on the criminal justice system and mental and public

health systems (Nobles et al., 2018). There is a noticeable gap surrounding discussions about stalking between first responders, police service calls, and the progression through the various stages of the criminal justice system (Brady & Nobles, 2017). The purpose of this study was to understand the perceptions of stalking victimization through the lens of the justice system and victim services. The intent was to interview professionals across the fields of the justice system and victim services to form a better understanding of a holistic approach to stalking victimization. Additionally, a more in-depth understanding could aid professionals in establishing effective responses to stalking-type behavior, increase safety planning measures, and provide strategies to enhance victim engagement.

### **Literature Search Strategy**

I used the Walden University Library to locate literature for this review. To understand statistics when reviewing stalking prevalence, databases such as the *Bureau of Justice Statistics* and *Criminal Justice Database* were reviewed. *Gale OneFile: Legal Trac* was used to understand the legal background of stalking. I searched *Nexi Uni*, *Psychology Databases Combined*, *PsycARTICLES*, *PsycINFO*, and *SAGE Journals* with the following key words and/or phrases: *stalker and stalking*, *victim and survivor and victimization*, *coercive control*, *risk assessment*, *protection order*, *court and criminal justice and judge and attorney*, *victim service professional and advocate*, *domestic violence or sexual violence and stalking*, *fear or mental distress*, and *victim impact statement and plea and judge*. Additionally, books on crime and violence were consulted, such as *The Gift of Fear* (1997), *Behave: The Biology of Humans at Our Best and Worst* (2017), and *The Anatomy of Violence: The Biological Roots of Crime* (2013).



### **Theoretical Foundation**

I used systems theory as the theoretical framework for this study. Developed by Ludwig von Bertalanffy in 1968, systems theory is used to analyze system viewpoints and then develop them (Vanderstraeten, 2019). This theory can be applied to organizations by analyzing how they react, adjust, and realign to changing conditions (Katz & Kahn, 1966). Lai and Lin (2017) described systems theory facets as organizational relationships, interdependent relationships within the organization, and the organization-environment relationship. Harrison (2005) proposed an open-system model that would evaluate the cyclical relationship between input, change, and output within organizations. Specifically, the process included systems receiving input from the environment, processing the input internally, and then releasing outputs back into the environment (Touson et al., 2020). The goal of this study was to better understand the perceptions of stalking victimization through the lens of the criminal justice system and victim services (i.e., input), how said professionals manage the behavior (i.e., process), and then what can be done to effectively support stalking victims (i.e., output).

### **Phenomenological Study**

The purpose of this phenomenological investigation was to understand the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Phenomenology is a design that researcher use to capture descriptions of what people experience and how they experience it (Patton, 2015). Furthermore, phenomenological research provides an opportunity for a culmination of experiences from several individuals who have experienced the same phenomenon (Creswell &

Creswell, 2018). In this study, I interpreted stalking through the lived experiences of research participants. Use of the Phenomenological design provided an opportunity to extract detailed descriptions from individuals that may allow the findings of this study to provide real-world prevention strategies and effective practices for enhancing victim engagement and safety planning (see Backes et al., 2020; Creswell & Creswell, 2018). This design was used to interpret the meaning and understanding of both individual and shared experiences common to judges, attorneys, and victim service professionals managing victims of stalking-type cases.

### **The Review of the Literature**

Several themes emerged in my review of the literature. Previous researchers had continuously noted varying definitions of stalking behavior; because of the many contexts in which stalking occurs, an agreed upon definition is lacking (Magyarics et al., 2015). Moreover, reporting practices, or lack thereof, have impacted data for understanding the prevalence of stalking behavior. Reasons for not reporting stalking behavior often mirror the same reason victims do not report rape or sexual assault and include not knowing if what is happening to them is a crime (Wood & Stichman, 2018).

Additionally, the prevalence of stalking is growing. According to The Stalking, Prevention, Awareness, and Resource Center (n.d.), stalking affects 7.5 million people per year and is typically perpetrated by a former intimate partner (Baum et al., 2009; Black et al., 2011). According to the National Crime Victimization Survey Victim Analysis Tool (2019), about 1 in 4 victims of crime are physically injured at some point

during the offense. The lethality of stalking behavior necessitates appropriate and timely responses from the justice system and victim service professionals.

Backes et al. (2020) described intimate partner stalking as a public health crisis and a public safety issue, yet it is a largely unstudied area, especially victim engagement and responses to the behavior. Although researchers have focused more on sexual assault than relationship abuse or stalking, the prevalence and lethality of stalking has gained momentum in research in the last 20 years (Banyard, 2014). However, the number of researchers seeking to understand the experiences of judges, attorneys, and victim service professionals regarding stalking victimization has been limited. Researchers have generally focused on stalking victims' experiences, but they have not yet described the experiences and perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Kinkaide et al. (2005) reported understanding perceptions of stalking behavior may aid in responding to the behavior. To create a better understanding of stalking, in the following sections I review topics from the extant literature: the evolution of stalking as a crime, stalking mentality, barriers to understanding the prevalence of stalking, the prevalence of stalking, impact of stalking, reporting practices, justice system responses, and the response of victim services.

### **The Evolution of Stalking as a Crime**

Stalking and other predatory behaviors have been known to exist for over 200 years. The term *stalking* was adopted from hunting terminology and appeared in legal case reports as early as the 18th century (Drebing et al., 2020; Scott & Sheridan, 2011). In 1912, Denmark became the first country to enact a stalking law (Meloy & Felthous,

2011). National attention on stalking as a crime in the United States came about in 1989 after the death of U.S. actress Rebecca Schaeffer, who was shot and killed by a fan in California (Coleman, 1997). In North America, antistalking laws began to take effect in the 1990s in the state of California (Brady & Nobles, 2017; Cass & Mallicoat, 2015; Pathe & Mullen, 1997). Since that time, stalking has been the subject of media coverage, and it is suggested that stalking has reached an epidemic level (Kinkade et al., 2005). Because of media coverage, stalking has been a hot topic among legislators, resulting in many new crime laws specific to stalking-type behavior (Kinkade et al., 2005). Stalking became known as “the crime of the nineties” (Carter, 2016, p. 335).

Currently, all U.S. states and some countries, such as Australia and the United Kingdom, have antistalking laws (National Institute of Justice, 1996; Scott & Sheridan, 2011). Stalking laws in the United States and Australia are focused on repeated unwanted contact by an offender, whereas in the United Kingdom, repeated behavior is not needed to prove a crime. Enacted in 1994, the Violence Against Women Act, marked a turning point in U.S. history with the formation of responses to domestic violence, sexual assault, and stalking as crimes (Carter, 2016). The United States requires that a reasonable person deem the behavior as stalking, according to the Protection from Harassment Act of 1997 (Scott et al., 2014). The Protection from Harassment Act of 1997 Section 4A stated that a person’s conduct amounts to stalking when the offender either causes a person to feel fear on at least two different occasions or causes the target distress that substantially impacts their day-to-day activities (Leggett, 2017). Additionally, the offender must know their behavior will cause the target to feel fear or imminent danger (Leggett, 2017). The

Violence Against Women Act, as part of the Violence Crime Control and Law Enforcement Act, made it a federal offense to cross state lines to commit domestic violence or violate a protection order and was followed by the Interstate Stalking Act in 1996, which made it a federal offense to cross state lines to stalk someone (Dreke et al., 2020). The Protection from Harassment Act of 1997 also classified stalking as a crime in Europe and the United Kingdom (Villacampa & Salat, 2019). Soon after, other countries followed suit with legislation declaring stalking a crime in Austria in 2006, Germany in 2007, and Italy in 2009 (Acquadro Maran & Varetto, 2017; Villacampa & Salat, 2019). The Uniform Code of Military Justice also recognized stalking as a criminal offense (Dreke et al., 2020).

On a national level, in January 2012, President Barack Obama held a round-table discussion with criminal justice professionals, victim advocates, researchers, and survivors of stalking (National Stalking Awareness Month, 2013). In December 2012, President Obama made a proclamation that January 2013 would be known as Stalking Awareness Month and called upon all Americans to recognize the dangers of stalking while encouraging survivors to reach out (National Stalking Awareness Month, 2013).

According to Meloy and Felthous (2011), police once viewed stalking with “curiosity, indifference, and even disdain” (p. 139), but the behavior has grown to be charged as a felony level crime in many jurisdictions across the world (Scott et al., 2014). Title 18 of the U.S. Code §2261A (2018) made it a federal offense to travel across state lines with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a

result of, such travel or presence engages in conduct that causes a reasonable person to feel fear and/or mental distress. Although stalking can be charged as either a misdemeanor or felony, the penalty for stalking behavior varies among all 50 states (Carter, 2016). Most states, however, do not deem stalking as a felony when it is a first offense (National Center for Victims of Crime, 2018).

### ***Stalking: A National Dilemma***

Stalking affects 7.5 million people per year (The Stalking, Prevention, Awareness, and Resource Center, n.d.). Black et al. (2011) said in the last 20 years, legal professionals and scholars recognized stalking as a social and criminal problem in the United States. Over the last decade, stalking became a point of concern for mental health professionals (Rosenfield et al., 2019). Intimate partner stalking lasts longer than stranger stalking, sometimes lasting many years (Woodlock, 2017). Pathe and Mullen (1997) studied 100 victims of stalking and found the average length of time that stalking offenders pursued their targets was 2 years. Additionally, researchers identified that being approached directly by the stalker occurred 78% of the time and death threats came in the form of cards and letters with pictures of crosses and gravestones, as well as stalkers directly saying to victims that their house would be burned down (Pathe & Mullen, 1997). McEwan et al. (2017) studied 157 individuals with a background in violence, and those identified as stalkers pursued their targets for an average of 12 weeks, some for only a day, and one for 17.5 years. Based on these findings, stalkers may be known to relentlessly pursue their targets.

Stalkers are dangerous in a myriad of ways (Logan & Lynch, 2017). One example is that stalking is a pre-incident risk factor to femicide (Campbell et al., 2003). Logan and Walker (2017) described stalking as a public safety risk when stalking perpetrators viewed victims a collateral damage. Ameral et al. (2020), Carter (2016), and Chen et al. (2020) described stalking as a public health problem. Backes et al. (2020) and Rai et al. (2020) described intimate partner stalking as a public health crisis and a public safety issue. Cass and Mallicoat (2015) described stalking as a widespread social problem. Not only may stalking be identified as a national dilemma, but it may also be considered a worldwide phenomenon considering stalking experiences in other countries are similar to those in the United States (Sheridan et al., 2016).

### **Stalking Mentality**

Wheatley et al. (2020) noted an absence in the literature of qualitative studies about stalking offenders. Similar to the difficulty in defining stalking behavior, it is difficult to categorize stalking offenders (Wheatly et al., 2020). Stalking has been linked to isolated, socially inept individuals with high levels of sensitivity (Wheatley et al., 2020). Like precipitants to stalking victimization, there may be precipitants to stalking offending. Whether stalking is environmentally, biologically, or neurologically based should be considered. These categories are discussed in the following sections.

### ***Environmental***

The environment in which we are raised and live impacts our behavior. Individuals model their behavior after those closest to them whether that be family, friends, peers, or mentors. Appropriate peer interaction builds social competence;

therefore, children who are deprived of opportunities to play or are disinterested in play rarely have a fulfilling adult life (Sapolski, 2017). Deficits in appropriate social interactions impact the ability to form healthy relationships as adults. Furthermore, childhood adversities impact individuals' learning and memory (Sapolski, 2017).

Adversities may include abuse, neglect, malnutrition, and instability, and may impact brain development and growth over time. The environment in which one grows up impacts not only people's behavior, but it also impacts individuals biologically.

Epigenetics is the study of how behaviors and the environment impact the ways genes work. According to Sapolski (2017), epigenetics may have lasting effects and may even be multigenerational. In studies on the environment versus genes impacting criminal behavior, the battle between the two is a tie (Raine, 2013).

### ***Biological***

Raine (2013) said aggression and violence are heritable traits. According to a research study in 1961, the possibility of an increased chance of being a criminal comes down to an extra chromosome in the body of males; this is not an inheritable trait but simply a mutation of chromosomes at conception (Raine, 2013). People receive genes from their parents but what also plays an important role in our character is the presence of a mother in our life (Sapolski, 2017). Attachment, or lack thereof, with a mother figure absolutely impacts the ability to maintain healthy relationships with others and develop a keen sense of self. Additionally, chemicals in our brain may also impact our ability to self-regulate.



## **Barriers to Understanding the Prevalence of Stalking**

Since stalking became known nationally in the United States in the 1990s, there have been several barriers that have impacted the understanding of the justice system and victim service professionals' perception of stalking victimization (Brady & Nobles, 2017; Cass & Mallicoat, 2015; Pathe & Mullen, 1997). Conceptualization, perceptions, underreporting of stalking behavior, shaming and blaming, and various legal and general definitions of stalking are major deterrents in understanding the prevalence of stalking victimization. These barriers impact the way the justice system and victim service professionals understand stalking behavior, which may negatively affect the level of support they provide stalking victims.

### ***Conceptualization of Stalking***

Understanding how professionals in the justice system and victim service personnel perceive stalking victimization has been hindered because of the lack of a universal definition of stalking. It is difficult to address the concept of stalking when not one justice system or police jurisdiction has agreed on what constitutes stalking. The indecisiveness of the justice system confuses victims in terms of what constitutes stalking as a crime. Victims may not know that the behaviors that they are experiencing are unlawful or whether they fit the legal definition of stalking (Boehnlein et al., 2020; Ngo & Paternoster, 2016). Stalking behavior generally involves three elements: a pattern of behavior, a credible threat, and an intent to harm (Meloy & Felthous, 2011). Stalking often involves frequent calls, texts, leaving gifts, showing up unannounced, and probing friends and family for information about the target (Logan & Walker, 2017). This type of

behavior is also associated with normal courtship behavior, which can be confusing to responding authorities.

### ***Perception of Stalking***

Stalking is perceived as following someone around, yet the behavior involves much more than that (Boehnlein et al., 2020). A misconception was that stranger stalking is more dangerous than a stalker known to the victim (Cass, 2020). Scott et al. (2014) said the current perceptions of stalking behavior failed to reflect the reality that former intimate partners pose the most threat to targets. Additionally, law enforcement professionals are more likely to consider stranger stalking to be more dangerous than cases involving former intimate partners (Scott & Sheridan, 2011). The motive of stranger stalking is unknown (Hills & Taplin, 1998). Stalking by a former partner is often about regaining control. Scott et al. said targets of stalking are perceived to be less responsible for their behavior if the offender is a stranger and conversely, the offender is deemed more responsible for the behavior if he or she is a former intimate partner. The dichotomy creates a victim blaming mentality and impacts reporting practices for victims of stalking. Stalking behavior is often denied, dismissed, or minimized regardless of the victim-offender relationship (Logan & Walker, 2017). Furthermore, Boehnlein explained when there is a contrast between the legal definition and the public perceptions of stalking, it downplays the severity of stalking behavior.

Perceptions of a victim are often left up to the discretion of the responding officer. Women may be deemed too calm or too hysterical by law enforcement. Sometimes fear manifests as anger, and angry victims may be difficult for law enforcement personnel to

work well with; this is especially true when an angry victim is a person of color (Dreke et al., 2020). Kinkaide et al. (2005) said discretion plays a huge part in perceptions of stalking behavior within the criminal justice system and recognizing this during the decision-making process may improve justice reform. Perceptions of stalking behavior differ. Likewise, perceptions of victims of stalking differ. Training and education regarding legal definitions of stalking and appropriate ways in which the criminal justice system responds to stalking are needed (Scott et al., 2014).

### ***Underreporting of Stalking***

College students who are victims of sexual assault, dating violence, and stalking do not generally seek outside help (Ameral et al., 2020). Many victims of stalking do not report the behavior to legal authorities (Cass & Mallicoat, 2015; Wood & Stichman, 2018). Ngo and Paternoster (2016) said the least common coping mechanism of stalking victimization was reporting it to the police. Brady and Nobles (2017) said in comparison to other interpersonal crimes, stalking is drastically underreported. Targets struggled to identify themselves as stalking victims because they did not see their experience as fitting with societal stereotypes (Demers et al., 2017). Additionally, women, specifically, minimized stalking behavior, which impacted their decision to report incidences to formal authorities (Acquadro et al., 2017). To establish probable cause for stalking, one must show a pattern of behavior (Brady & Hayes, 2018). However, victims often call the police to report one incident and not a pattern; therefore, reporting practices are inconsistent. Drebing et al. (2020) found that 20.5% of victims contacted the police in 2003 and 19.1% of victims contacted the police in 2018.

Men also experience stalking but do not report it to the police for fear of not being believed (Acquardo Maran et al., 2020). Men allowed stalking behaviors to continue much longer than women before contacting the police (Acquardo Maran et al., 2020). The perception of shame and embarrassment impacts reporting practices to formal authorities, and this is especially true for male victims (Cass & Mallicoat, 2015). The biased misrepresentation of stalking may exacerbate the unwillingness of men to report stalking (Acquardo Maran et al., 2020).

Scott et al. (2014) said participants noted they were more likely to involve the police if the perpetrator was a stranger. However, victims of stalking typically know the offender in some capacity (Baume et al., 2009). Reasons for not reporting the behavior to formal authorities include worrying that no charge would be filed because of lack of evidence and concern that behaviors would not be taken seriously by the police (Wood & Stichman, 2018). Ameral et al. (2020) said the primary reasons for not reporting stalking among college students was victims not perceiving the behavior as serious and deeming the situation as private. What increases the likelihood of reporting to formal authorities is a greater perceived threat by the victim. This may include threats to harm them or their family members.

### ***Shaming and Blaming***

Victims may feel embarrassed and experience shame because of their stalking experiences (Yahya & Khawaja, 2020). For women who knew their stalker, they were often blamed for not being able to control their former partner's behavior, and they were also blamed if they called the police (Cass, 2020). The greatest blame for stalking

behavior is often on women who had a one-night stand and were relentlessly pursued thereafter (Cass, 2020). Women are often scrutinized for putting themselves in harm's way whereas the focus should be on the behavior of the offender.

### ***Legal and General Definitions of Stalking***

The definition of stalking continues to be disputed (Owens, 2016). There is no one definitive anti-stalking law (Scott & Sheridan, 2011). Stalking is defined differently in legislation and legal codes (Boehnlein et al., 2020). Kinkaide et al. (2005) said stalking is a difficult crime to define. Furthermore, a uniform definition of stalking has yet to be established among criminal justice professionals (Brady & Nobles, 2017). Although stalking is a crime in all 50 states, the District of Columbia, and U.S. territories, legal statutes and definitions vary from state to state (The Stalking, Prevention, Awareness, and Resource Center, n.d.). Moreover, even though every state in the United States has stalking legislation, there is still some disagreement as to what constitutes stalking (Magyarics et al., 2015). The lengthy process of stalking is what makes it hard to define and legislate against (Scott et al., 2014). Owens (2016) called upon researchers and policy makers to decide on a definition of stalking that encompasses the behaviors and the reactions they invoke.

Varying definitions of stalking can be confusing to the police and may impact response time (Dardis & Gidycz, 2019). Researchers have mentioned that the definition of stalking is ambiguous, which creates challenges for practitioners and victims of stalking (Reyns & Englebrecht, 2014). Legislation should be based on stalkers' actions, victims' reactions, and threats toward targets known to the victim (Magyarics et al.,

2015). State laws vary in what behaviors constitute stalking, the level of threat or fear stalking must invoke, and how often the behaviors must occur (Owens, 2016). Menard and Cox (2016) said legal definitions of stalking vary from state to state. Varying definitions are partly due to the course of conduct one must prove because individual incidents seem noncriminal (National Center for Victims of Crime, 2018). Stalking behavior is perceived differently, and depending on what country stalking occurs in, culture significantly impacts the perception of intimate partner violence which has a direct connection to stalking behavior (Sheridan, Arianayagam et al., 2019). Victims must articulate that the crime they are experiencing is stalking for the criminal justice system to respond (Menard & Cox, 2016). Considering that the definition of stalking is unclear, being able to label stalking as the crime one is experiencing has proven to be difficult.

### **The Prevalence of Stalking**

Stalking is not a rare phenomenon (Wheatley et al., 2020). Stalking affects 7.5 million people per year (Backes et al., 2020; The Stalking, Prevention, Awareness, and Resource Center, n.d.). Black et al. (2011) said between 12% and 16% of women and 4% to 5% of men are stalked in their lifetime. Stalking victimization is especially prevalent on college campuses (Cass & Mallicoat, 2015). In a study by Fedina et al. (2020) of eight Southwestern universities and over 26,000 college students between the ages of 18 and 24, it was reported that between 11.5% and 21.1% of college students experienced stalking victimization since starting college. Additionally, in a study conducted by Myers et al. (2016) of 910 college women at three different institutions in North America, 22%

revealed being stalked while enrolled at their current university. The prevalence of stalking may be hard to ascertain considering the various legal definitions of stalking cross-nationally (Scott et al., 2014). There are several factors that impact the prevalence of stalking, which include relationship to the offender, gender, age of individuals, and sexual orientation.

### ***Relationship to the Offender***

Victim-offender relationship is often a significant predictor of the victim being physically harmed (Fissel, 2019). A misconception is that people are stalked more often by a stranger; however, 66% of women and 44% of men are stalked by previous intimate partners, especially those who have recently separated or divorced (Backes et al., 2020; Baum et al., 2009; Black et al., 2011; Logan & Walker, 2009; Ngo & Paternoster, 2016; Yahya & Khawaja, 2020). Causes for stalking following a breakup may include the individual not accepting the relationship is over and the offender attempting to regain control in the relationship (Messing et al., 2020; Yahya & Khawaja, 2020). Women who experienced abuse in their relationship had a higher risk of stalking victimization (Backes et al., 2020). Stalking after a separation from a former intimate partner was often associated with coercive control and eventually lethal violence (Lynch et al., 2019). Stalking may be considered escalation with the intent to establish control through frequency and severity of contact (Smith et al., 2020). Stalking by former partners posed the greatest risk for physical harm because stalkers were privy to the victim's lifestyle, routines, family, friends, and schedule, providing easier access to victims (Cass & Mallicoat, 2015; Fissel, 2019; Logan et al., 2006; Logan & Walker, 2009; Pathe &

Mullen, 1997; Yahye et al., 2020). Former intimate partner stalking predicted both greater danger and greater distress for the victim (Bennett Cattaneo et al., 2011).

In the United States, intimate partner homicides made up more than 22% of the homicides in 2016 (Ertl et al., 2019). Recent separation and stalking of a former partner are among the most dangerous risk factors for a woman to be killed by an intimate partner (Lynch et al., 2019). Women who separated from an intimate partner, left an intimate partner, or asked their intimate partner to leave are 3 to 4 times more likely to experience homicide (Campbell et al., 2003). Males are 4 times more likely than females to kill their intimate partner (Kivisto, 2015). The Federal Bureau of Investigation (2019) reported that 10% of all homicides were at the hands of an intimate partner in 2018. Despite these lethality factors, there is limited research on homicides that occur once a relationship is terminated (Rai et al., 2020).

### ***Gender***

Stalking is often a gender-based crime, where 80% of stalking victims are women stalked by men (Backes et al., 2020; Drebing et al. 2020; Meloy & Falthous, 2011; Ngo & Paternoster, 2016; Rosay et al., 2019; Stermac et al., 2018; Wood & Stichman, 2018). According to the National Intimate Partner and Sexual Violence Survey, 20 million women in the United States were victims of stalking behavior (Black et al., 2011). In a study by Myers et al. (2016) of over 900 undergraduate students, researchers found women were far more likely to experience stalking victimization than men. In a study by Drebing et al. (2020) in 2018 of 1,000 men and 1,000 women between the ages of 18 and 25, women were found to be stalked at a much higher rate than men, and former partners



were the main type of offenders. Men also experience stalking but did not typically report it to the police for fear of not being believed (Acquardo Maran et al., 2020).

### ***Age of Individuals***

Stalking is the most common sexual violence behavior experienced by women on college campuses (Banyard et al. 2020; Black et al., 2020; Griner et al., 2020; Myers et al., 2016). Those between the ages of 12 and 24 are at more risk of violent crimes than other age groups (Kinkade et al., 2005). In a study by Myers et al. (2016) of 910 undergraduate students, stalking victimization was the most reported form of violence. Data from 2015 says 6% of women and 3% of men in college are stalked each year (Griner et al., 2020). A study completed by Wood and Stichman (2018) revealed that 20% of college students admitted to being stalked at one point during their college career. Those between the ages of 18 and 24 were more prone to stalking victimization, whether enrolled in college or out (Boehnlein et al., 2020). There are several factors that increase stalking victimization for college females, which included young, unattached individuals congregating in one area, students moving about unsupervised, access to technology, and relationships that go through transitions (Wood & Stichman, 2018). These factors created a cesspool of targets prone to stalking victimization. In a study by Stermac et al. (2018) of 88 women in college who revealed they changed their behaviors while being stalked on a college campus, only 10 said they sought help from support services.

### ***Sexual Orientation***

When researchers discussed interpersonal violence, sexual orientation was often not considered, and those who studied the lesbian, gay, bisexual, transgender, and

questioning (LGBTQ) community said stalking victimization was limited (Chen et al., 2020; Langenderfer-Magruder et al., 2020). Limited research on the LGBTQ community is concerning considering the alarming rate at which this specific population experiences stalking victimization (Langenderfer-Magruder et al., 2020). Previous researchers showed that those who identify as LGBTQ experienced stalking at a higher rate than those who identified as heterosexual (Chen et al., 2020).

In a study by Chen et al. (2020), where there was a review of The National Intimate Partner and Sexual Violence Survey during 2010 and 2012 survey administration, it was found bisexual women reported a higher rate of stalking victimization rate than heterosexual women by a 15% margin. Chen et al. explained similarly, gay men reported a higher rate of stalking victimization than heterosexual men by margin of close to 6%. In a study of a convenient sample of both heterosexual and those who identified as LGBTQ, it was found those who identified as LGBTQ experienced more intrusive behaviors than those who identified as heterosexual; additionally, those who identified as LGBTQ experienced intrusive behavior on a higher scale, which included threats, abuse, and forced sexual contact (Sheridan, Scott, et al., 2019). The LGBTQ community underreported stalking victimization for fear of police indifference (Waters et al., 2016). LGBTQ victims of crime may face discrimination when interacting with the police, which often dissuaded their decision to contact law enforcement for help (Calton et al., 2016). LGBTQ victims of stalking often suffer in silence.

## **Impact of Stalking**

At a minimum, stalking was described as a disruption to targets' lives (Lippman, 2018). Logan and Walker (2017) coined the phrase *life sabotage* when they described the impact of stalking on victims. Unique to stalking is the fear and/or mental distress one must prove for stalking to be considered a crime. There is a debate as to how much fear a person must experience before concluding whether someone had experienced stalking (Rosay et al., 2019). When perpetrators are persistent or there is evidence of intent, targets experience more alarm, mental distress, and fear (Scott & Sheridan, 2011). The Stalking, Prevention, Awareness, and Resource Center (n.d.) said stalking may have serious and long-lasting effects on victims, including lethal violence.

Logan and Walker said targets of stalking may have trouble communicating the impact that stalking had on their lives, which makes it hard for others to understand why they are so afraid even though the impact of stalking interferes with many aspects of victims' lives. In a study described by Yahya and Khawaja (2020) of 100 stalking victims, 94 of them reported lifestyle changes. Stalking victimization was often overlooked even though this type of victimization has been associated with various physical and psychological outcomes (Myers et al., 2016). Whether calls/texts come many times a day or once or twice a week, the fear they invoke may be the same (Woodlock, 2017). Stalking may be a traumatic experience (Drebing et al. 2020). A study by Sheridan and Grant (2007) yielded no difference in medical expenses or psychological trauma between victims physically stalked and those who were stalked online. The prevalence and many costs of stalking, whether psychological, financial, or physical,

make stalking a social and policy issue warranting attention and prevention (Ngo & Paternoster, 2016). The following sections provide psychological, financial, and physical impacts of stalking.

### ***Psychological***

Victims described stalking as psychological terrorism because of the hypervigilance the behavior invokes and the feeling of constantly having to alter their lives (Hall, 1998). Victims also described stalking as emotional rape (Mullen, 1997). It is estimated 20% of stalking victims consult a physician and/or psychiatrist because of the mental distress they are under (Yahya & Khawaja, 2020). According to the National Academies of Science, Engineering, and Medicine (2018), there may be enough symptoms to diagnose someone with a psychiatric disorder if there are “multiple and repeated incidents over a period of time” (p. 74), and the harassment is severe enough in intensity and duration. Studies have shown an increased risk of depression, suicidal ideations, and self-blame by those victimized by stalking (Nobles et al., 2018). Other illnesses reported included anxiety and trauma-related illnesses (Yahya & Khawaja, 2020).

Suicidal thoughts, depression, and anxiety are often emotional consequences of stalking (Baum et al., 2009). Suicidal ideations were noted most by victims recently separated or divorced from their stalker (Ngo & Paternoster, 2016). Male and female victims of stalking reported similar types of mental distress, including headaches, weakness, weight change, stomach issues and sleep disorders (Acquardo Maran et al., 2020). Other symptoms included psychological damage, increased anxiety, symptoms of

post-traumatic stress disorder, and changes in everyday habits, such as work schedules, driving routes, and places known to shop (Bailey & Morris, 2018; Eterovic-Sonic et al., 2017). Deterioration of victims' mental health may include jumpiness, having the shakes, panic attacks, hypervigilance, and exaggerated startled responses (Pathe & Mullen, 1997). According to the National Violence Against Women survey data, a representative sample described stalking impacting their health, being susceptible to an increased risk for injury, and increased substance abuse (Stermac et al., 2018). Future research should consider the emotional and psychological toll stalking has on its victims (Hall, 1998).

### ***Financial***

Not only do victims of stalking suffer psychologically, but they also endure financial losses. About a third of victims stalked reported having been impacted financially because of attorney fees, property damage, childcare, and/or moving expenses (Baum et al., 2009). Additional costs include missing work or classes to avoid their stalker, paying for psychological treatment and/or legal services, and possible relocation (Stermac et al., 2018). Having to move one's residence is often an additional expense of stalking victimization (Ngo & Paternoster, 2016). Victims of stalking reported having lost time at work because of safety concerns and/or court appearances (Ngo & Paternoster, 2016). Furthermore, diminished productivity at work may cost victims of stalking their job (Pathe & Mullen, 1997). College students who experience victimization are less committed to staying in school (Banyard et al., 2020). Buying guard dogs may be a financial investment as well. However, some stalking victims gave their dog away for fear of taking them outside and being vulnerable to their stalker. Costly geographical

changes and time are two factors that gave victims of stalking some peace, finally (Pathe & Mullen, 1997).

### ***Physical***

Stalking is a lethality factor for homicide. Often, victims of stalking fear bodily harm for themselves, a friend, or a family member (Ngo & Paternoster, 2016). Stalking is linked to sexual assault and is a risk factor for domestic homicide (Matias et al., 2020; Musielak et al., 2020; National Center for Victims of Crime, 2018). De Becker (1997) revealed that 75% of spousal murders happen after the woman leaves. However, regardless of the relationship, stalking is a predictor of homicide (Smith, 2020).

### **Reporting Practices of Victims of Stalking**

Investigations of crimes often start with the police. Victims of intimate partner stalking underreport to formal authorities (Backus et al., 2020). Victims of stalking mostly tell nobody about the behavior they are experiencing (Nobles et al., 2014). If victims do report the behavior, they often confide only in those familiar to them, such as family and friends (Nobles et al., 2018). Barriers to reporting stalking behavior included self-blame, victim blaming by criminal justice professionals, and inadequate supervision of the offender (Backes et al., 2020). Additionally, there is some confusion as to where to report stalking behavior as victim advocates gave the advice of reporting the stalking behavior to the jurisdiction where the victim lives, and police gave the advice of reporting the behavior to the jurisdiction where the stalker lives (Backes et al., 2020). Out of 100 participants of a study completed by Pathe and Mullen (1997), 69 of them turned to the police, and 38 discussed their situation with one or more lawyers. Victims of

stalking sought legal advice more often if the stalker was a former intimate partner (Pathe & Mullen, 1997). When reporting stalking behavior, victims hoped to be believed, have their feelings validated, and talk to someone who would listen to them while not minimizing their experiences (Boehnlein et al., 2020). When reporting stalking behavior to the police, victims may not use the language “he’s stalking me” because of not fully understanding that what is happening to them is a crime (Brady et al., 2020).

There is little research on the help-seeking behaviors of stalking victims (Reyns & Englebrecht, 2014). However, there is a growing area of research focusing on decisions made by victims of crimes (Reyns & Englebrecht, 2014). Stalking victims are a special population with critical information on how the behavior impacts their everyday lives. A qualitative study by Cass and Mallicoat (2015) about reporting practices of stalking victims revealed that victims believed their experiences were not serious enough to report or that the experiences were a private matter. Although stalking is a crime, many victims view consequences to the behavior as inconsequential (Cass & Mallicoat, 2015).

The severity of stalking behavior impacts whether a victim asks for help or contacts the police (Menard & Cox, 2016). Victims may fail to recognize the dangers of stalking behavior (Logan & Walker, 2017). College students report that stalking had to move past calls and texts, even if they were threatening, to physical stalking to warrant intervention by formal authorities (Cass & Mallicoat, 2015). Those who were followed or experienced property damage were more likely to report the behavior to formal authorities (Pathe & Mullen, 1997). In a study by Podana and Imriskova (2016) of 147 stalking victims, almost half of the participants utilized help seeking behaviors to try to

stop or slow down the stalking behavior, 30% tried an avoidance strategy, and almost a quarter ignored the behavior all-together. Additional ways victims manage stalking behavior include a written or verbal notice to the stalker to stop, obtaining a protection order, involving the police, or some other type of formal intervention (Logan & Walker, 2017).

### **Justice System Responses**

Stalking is a unique crime that is hard to investigate and hard to prosecute (Brady & Hayes, 2018). Although stalking poses a great risk to victims, arresting, prosecuting, and convicting stalkers remains relatively low (Brewster, 2001). There is a need for more education about stalking for prosecutors, police, judges, and other criminal justice professionals (Boehnlein et al., 2020). Additionally, there is little research on stalking victims' experiences and the legal system (Brewster, 2001). Although research has grown on stalking victimization, the justice system's response to the behavior has been largely understudied (Brady & Nobles, 2017). Because stalking cases have been challenging for the criminal justice system, often there are low conviction rates for stalking-type cases, yielding frustration for stalking victims (Boehnlein et al., 2020). Because of the risk factors stalking presents, first responders of the criminal justice system should be competent in assessing victims' risk levels (Lynch et al., 2019). It is critical for police officers and victim service professionals to recognize risk factors as they may be the first point of contact a victim of stalking turns to (Lynch et al., 2019).

To improve the holistic response to stalking, there must be a better understanding of justice systems' responses, and victim advocates' beliefs about stalking victimization



(Boehnlein et al., 2020). To reduce further victimization, it is imperative that various agencies (police, criminal courts, and victim services) who manage victims of crime work together to ensure stalking cases are handled effectively (Villacampa & Salat, 2019). Effective responses and interventions by the criminal justice system are not clearly understood (Brady & Hayes, 2018). The following sections discuss current responses of stalking victimization by law enforcement, criminal courts, and protection order courts.

### ***Law Enforcement***

Considering the pattern of behavior of stalking, victims often have multiple interactions with the police (Brady & Nobles, 2017). To increase our understanding of stalking as a crime, we must examine the response process from the time police are alerted of the possible crime to a potential arrest (Brady & Nobles, 2017). Police find stalking a particularly difficult crime to pursue when compared to other crimes (Backes et al., 2020). Specifically, they are used to pursuing single incidents and then moving onto another call; considering that stalking involves a broader course of conduct, police must respond differently (Brady & Nobles, 2017). When investigating stalking as a crime, it is recommended police move from incident-based police work to establishing a course of conduct (Dreke et al., 2020).

There are several barriers the police face when investigating and charging stalking. The definition of stalking, or lack thereof, creates difficulty for policy enforcers to apply laws (Kinkade et al., 2005). In a study performed by Lynch and Logan (2015) of police officers' perception of perceived barriers and their attitudes related to charging stalking, it was revealed 37% of respondents did not have a firm understanding of

stalking. It is believed the impact on the victim is what makes stalking hard to define (Taylor-Dunn et al., 2018). For stalking to be deemed a crime, victims must admit to a level of fear (Reyns & Englebrecht, 2014). Stalking behavior is especially difficult to file formal charges for because of state statutes along with an emotional reaction from the victim of stalking (Nobles et al., 2018). Police described some issues with charging stalking as the inability to collect evidence and the need to rely on victims to be an investigator (Backes et al., 2020; Lynch & Logan, 2015). Lastly, jurisdiction issues pose barriers for charging stalking when the pattern of behavior is strung across many incident locations (Backet et al., 2020; Dreke et al., 2020).

Stalking poses a great risk to victims and may even be lethal. Police deem stranger stalking more alarming than former intimate partner stalking and believe charges are warranted more often when the perpetrator of stalking is not known to the target (Scott & Sheridan, 2011). In England and Wales, the Association of Chief Police Officers piloted a risk assessment tool that debunks the misconception that former intimate partner stalking does not pose as much of a threat as stranger stalking (Scott & Sheridan, 2011). If victims' fear is not accurately communicated, law enforcement may fail to understand the situation (Logan & Walker, 2017). Victims are all too often met with statements from the police such as "you're just overreacting" (Pathe & Mullen, 1997, p. 15). Without the appropriate training and education, police may underestimate the risks, especially regarding former intimate partner dynamics, and fail to respond with urgency (Scott et al., 2014). Interviews with police officers revealed their neglect in recognizing the lethality of intimate partner stalking, citing the issue as a family problem (Klein et al.,

2009). The police have also said stalking is a civil matter (Pathe & Mullen, 1997). In a study by Lynch and Logan (2015) of 100 police officers, less than 30% rated stalking as dangerous behavior. What police are asked to do when investigating stalking cases is to make split-second decisions on what may be described as “a highly complex and poorly understood crime in which they have very little experience” (Brady & Nobles, 2017, p. 3151). Police found it beneficial to collaborate with prosecutors on training, specifically cross communication training, on stalking-related statutes (Dreke et al., 2020). Additionally, what may improve misconceptions of stalking is more training on the lethality of stalking behavior, specifically former intimate partner stalking.

Police may increase their understanding of victims’ experiences of stalking by including victims in the investigation process and by educating victims on evidence collection and preservation (Dreke et al., 2020). Unique to stalking behavior is that while the crime is being investigated, more incidents occur. Victims may take screenshots or videos of the behavior in real time. Gathering of witnesses to the behavior is also helpful. Evidence presented to the police may slow the frequency and duration of the behavior.

Police must be willing to take a report of victims’ concerns, regardless of charges being filed. Stalking is not always charged as such; there are other related crimes such as telephone harassment, violation of a protection order, assault, domestic violence, criminal trespass, aggravated menacing, and so forth. The Stalking, Prevention, Awareness, and Resource Center (n.d.) said law enforcement should charge what is appropriate and build a stalking case from there. Considering the underreporting of stalking behavior, police agencies should do more to encourage stalking victims to come forward (Ngo &

Paternoster, 2016). Once the police file charges for stalking-type behavior, the victim then moves to being a prosecuting witness in misdemeanor or felony court, depending on the type of crime charged. The criminal court has their own policies and procedures for managing stalking victimization.

### ***Criminal Court***

Although stalking poses a high risk to victims, arrest rates, prosecution, and convictions of stalking behavior are low throughout the United States (Logan & Walker, 2017). Kinkade et al. (2005) said stalking laws place a high level of burden on judges, jurors, and prosecutors to interpret stalking behavior. Prosecution of stalking cases often relies heavily on victim-based evidence collection (Dreke et al., 2020). Stalking victims lack confidence in the criminal justice system (Villacampa & Salat, 2019). Judges admitted a lack of knowledge about intimate partner stalking; inconsistencies between courts created barriers to successfully ruling on stalking-type cases (Backes et al., 2020). Context is key, and this is especially true when jurors and/or judges are left to interpret whether the victim suffered from fear or mental distress. What may be frightening to one person may not be so frightening to another. For example, why receiving a dozen roses at work is terrifying to a stalking victim will need to be parsed out by the prosecutor. The defense in a criminal case may argue showing up at someone's house or workplace is normal courtship behavior (Magyarics et al., 2015). What may be perceived as normal courtship behavior could contextually have an entirely different meaning. If victims do not acknowledge the fear they felt because of the stalking behavior, they may be less protected by the criminal justice system (Podana & Imriskova, 2016). Prosecutors who

have a firm understanding of stalking dynamics, the impact on victims, and statutes related to stalking-type behavior can help victims assert their rights, hold offenders accountable, and ultimately save lives (The Stalking, Prevention, Awareness, and Resource Center, n.d.).

There is a recurring theme of pitting stranger stalking and former partner stalking against one another, and this is even true in criminal court. In the criminal justice system, pursuit by a known person may be taken less seriously than stranger stalking because of what may be perceived as innocent courtship (Dunn, 2002). In a vignette study conducted by Scott et al. (2014), researchers found stalkers' prior relationship to their target, if any, impacted the level of danger perceived by jurors. Specifically, targets' danger level was perceived as higher if the parties were strangers (Scott et al., 2014). Scott and Sheridan (2011) said former intimate partner stalkers are more persistent and more dangerous than stranger stalkers, although they are less likely to be convicted of stalking. Interviews with attorneys revealed their neglect in recognizing the lethality of intimate partner stalking, citing the issue as a family problem (Klein et al., 2009). The successful prosecution of a stalking case should include context that informs juries of stalker/victim relationship dynamics, an explanation of victim behavior, and what conditions may enhance victim safety (The Stalking, Prevention, Awareness, and Resource Center, n.d.).

### ***Protection Order Court***

A protection order is a legal document ruled on in either Domestic Relations Court or Civil Court, depending on the relationship of the parties. Federal law stated individuals can obtain an order of protection for free (Office on Women's Health, n.d.).

Only 37% of states have stalking-specific protection orders (National Center for Victims of Crime, 2018). If a protection order is granted and served upon the respondent, contact with the petitioner may be a criminal offense. Protection orders provide guidelines and parameters for no contact with petitioners. They outline provisions of how many feet respondents must stay away and what type of contact constitutes a violation. The criminal justice system responds to stalking behavior by telling victims of stalking to obtain a protection order, but this strategy may be deemed a homework assignment given by the police to prove victims are really committed to getting away (De Becker, 1997). If the police, a judge/magistrate, or a prosecutor suggests the strategy to apply for or grant a protection order in the hopes of preventing a homicide, their strategy is too far-off from what the victim needs (De Becker, 1997). Obtaining a protection order is not always an easy process. It often involves several hearings, and the burden is on the petitioner to prove the threshold of needing a protection order which is often imminent danger.

Protection orders may be a tool for the criminal justice system to use as accountability for stalking-type behavior. In a study by Lynch and Logan (2015) of police perceptions of stalking, police admitted they were more likely to charge a violation of protection order even if the elements of stalking are met. What protection orders offer is the ability to increase the chances of police filing charges against stalkers (Backes et al., 2020). Protection orders are cleaner to charge than Menacing by Stalking, a two-pronged charge of a pattern of behavior coupled with mental distress/fear. Thus, one may deem that protection orders serve police and prosecutors rather than the victims themselves (De Becker, 1997). Victims report inconsistent findings about the effectiveness of protection

orders issued by civil courts, citing that some interrupt stalking behavior, some cease the behavior all together, and in some cases, they increase the behavior (Backes et al., 2020). Protection orders may slow down stalking behavior (Logan & Walker, 2017). Violating no-contact orders is a risk factor for intimate partner homicides and is a fact the criminal justice system may consider when prosecuting Violation of Protection Order crimes (Spencer & Stith, 2020). Protection orders and no contact orders work to curb stalking behavior; however, it is suggested along with the issuance of a protection order/no contact order, the criminal justice system must offer stronger prosecution and tougher sentencing outcomes for those found guilty of stalking-type offenses (Brame et al., 2015).

Obtaining a protection order is not an easy process for petitioners, and not all petitioners are treated the same. The LGBTQ community find it harder to obtain a protection order in civil court due to state-specific statutes (Calton et al., 2016). To obtain a protection order in Kansas and Nevada, LGBTQ survivors must show evidence of having once cohabitated with their abuser whereas victims of stalking who identify as straight are not held to the same standard (Calton et al., 2016). It is barriers like these that impact victims' ability to obtain a protection order, a legal document telling respondents to cease contact because their own attempts at getting the stalking offender to leave them alone failed.

### **Response of Victim Services**

Little is known about community advocates' perceptions of stalking victimization (Boehnlein et al., 2020). Victim service professionals may include victim advocates, counselors, crisis line staff, and shelter staff and are essential in the engagement of

victims in stalking-related cases (Lynch & Logan, 2017). Victims of stalking may find comfort in victim service professionals (Lynch & Logan, 2015). The Stalking, Prevention, Awareness, and Resource Center (n.d.) said advocates, or other victim support services, may inform victims of their rights and appropriate resources. This support may continue to engage the victim throughout the process. Considering the relentless and persistent contact from stalkers, continued engagement with victim service professionals is key for safety planning purposes and documenting incidents to build a stronger case (The Stalking, Prevention, Awareness, and Resource Center, n.d.). Professionals may inform victims of crime about safety planning measures (Murray et al., 2015). Victim engagement with victim service professionals increases their likelihood of safety (The Stalking, Prevention, Awareness, and Resource Center, n.d.). The key is to plan for physical and psychological safety (Nichols, 2020). Unique to stalking cases is the continuation of the behavior even as the investigation ensues. Building stalking cases takes time, effort, resources, and knowledge of the behavior (Brady et al., 2020). It was agreed upon by victim service professionals that creating a stalking log is the most important piece of documenting evidence along with the collection of texts, emails, voicemails, letters, and recordings (Boehnlein et al., 2020; Nicholos, 2020).

Victim service professionals may struggle in knowing the difference between advocating for victims of domestic violence and victims of stalking (Dreke et al., 2020). Interviews with victim advocates revealed their neglect in recognizing the lethality of intimate partner stalking, citing the issue as a dispute of shared parenting (Klein et al., 2009). Lynch et al. (2019) said because of the risk factors stalking presents, victim



service professionals should be competent in assessing victims' risk levels. Because victims of stalking do not always label the behavior as such, it may be difficult for victim service professionals to recognize stalking dynamics.

Although there are many helplines and support groups for domestic violence and sexual assault victims, there is little support provided solely for victims of stalking (Dreke et al., 2020). Because of the vastness of relationship violence, victim service professionals must be flexible in the services they provide to the various populations they serve. As mentioned previously, college students experience stalking victimization at a higher rate than other age demographics. Considering the prevalence of stalking on college campuses, school wellness or counseling centers should be well equipped to provide resources and counseling services to those in distress due to stalking-type behaviors (Wood & Stichman, 2018). There should also be an option for students to access services online because of the discomfort the behavior imparts (Wood & Stichman, 2018). Stalking victim advocacy services have spread through cyberspace and in-person groups (Meloy & Felthous, 2011). Victims may be guided by victim service professionals on how to access online services. Victim service professionals may be a liaison between law enforcement, the justice system, and the victim. Cross-training to develop relationships between victim service professionals, law enforcement, and justice system professionals is encouraged (Nichols, 2020).

### **Summary**

Stalking behavior is challenging for the criminal justice system, victim advocates, and researchers to address (Brady & Nobles, 2017; Dreke et al., 2020). Although

practitioners address relationship violence as it relates to sexual assault and domestic violence, to improve collective responses to stalking, there must be an increased understanding of justice systems' responses and victim service professionals' reaction to stalking behavior (Boehnlein et al., 2020). Researchers have shown a gap in the literature regarding effective responses to stalking-type behaviors and effective ways to engage victims (Backes et al., 2020). Further research on stalking victimization is needed because of misconceptions that affect the decision-making process of victims, police, members of the community, and various legal professionals (Scott et al., 2014). I included in this chapter gaps in the literature, literature search strategies, the theoretical foundation, and why this is a phenomenological study. What I found from the extant literature, I included in the review of the literature, which consisted of the evolution of stalking as a crime, stalking mentality, barriers to understanding the prevalence of stalking, the prevalence of stalking, the impact of stalking, reporting practices, the justice system response, and the responses of victim services.

Understanding the lived experiences of judges, attorneys, and victim service professionals with stalking victimization may increase the effectiveness of safety planning with victims, the accuracy of charging stalking as a crime, addressing the behavior, and providing appropriate and timely advocacy. Additionally, research in this area may inform victims to take suitable precautions to keep themselves safe and/or report the behavior to the police (Scott et al., 2014). Once experiences are understood, focus on perceptions of stalking can debunk misconceptions through education and training (Scott et al., 2014). Prevention and intervention are key to keeping potential

victims safe from stalking behavior (Bailey & Morris, 2018). Targeted training on intimate partner stalking may reduce misinformation and enhance the knowledge and application of stalking statutes (Backes et. al, 2020).

The goal is to increase the identification of stalking-type cases, improve arrest rates, and ultimately maximize charges and penalties against offenders (Backes et al., 2020). Agencies that mandate ongoing training and offer outlined standard operating procedures that encourage victim participation in the criminal justice process may find more success in interrupting stalking behavior (Brady et al., 2020). There are very few recommendations related to the courts in reviewed studies (Backes et al., 2020). It was suggested to have criminal justice agencies and victim service providers collaborate to provide better outcomes for victims of crime (Brame et al., 2015). The current investigation provided valuable information by answering the following questions: What are the lived experiences and perceptions of judges and attorneys within the various levels of the Ohio justice system regarding stalking victimization and what are the lived experiences and perceptions of victim service professionals within various agencies in Ohio regarding stalking victimization? In Chapter 3, the methods of understanding judges', attorneys', and victim service professionals' perceptions of stalking victimization are outlined.

### Chapter 3: Research Method

In Chapter 2, I reviewed the extant literature on the barriers to understanding the concept of stalking behavior; stalking mentality; the prevalence, precipitants, reporting practices, impact, and lethality of stalking; and justice system personnel and victim service responses to stalking victimization. There is an absence of research on effective treatment measures for stalking behavior (Purcell & McEwan, 2018). Those who work in the criminal justice system and victim services hold valuable information on accountability measures for stalkers and tactics to interrupt the behavior. However, researchers have rarely explored the perceptions of judges, attorneys, and victim service professionals regarding stalking behavior. Often, domestic and sexual violence has been the focus of research even though stalking behavior may be an aftermath of domestic violence and a predictor of sexual assault. The purpose of this study was to explore the perceptions of stalking victimization among judges, attorneys, and victim service professionals in the state of Ohio. In this chapter, I discuss the research design and rationale, research questions, approach, methodology, data collection tools, role of the researcher, and trustworthiness of the research.

#### **Research Design and Rationale**

Qualitative research was the most appropriate method of study for exploring the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Specific to qualitative research is an in-depth assessment of a phenomenon and the attention to detail, context, and nuance (Patton, 2015). Additionally, qualitative research allows researchers to explore and understand the meaning individuals or groups

attribute to a social issue through the use of open-ended questions (Creswell & Creswell, 2018). Qualitative researchers are concerned with the meaning of the data, not a generalized hypothesis of statements (Mason, 2010). Although much of scientific research involves quantifying, or counting something, and analyzing statistical findings, qualitative research provides the unique opportunity to interview individuals for depth rather than breadth on a particular topic (Rubin & Rubin, 2012).

Qualitative research specific to stalking victimization is needed because of the dearth of research on help-seeking behaviors of victims of stalking (Reyns & Englebrecht, 2014). Scholars have previously noted a gap in research on strategies to aid practitioners working with stalking victims (Bennett Cattaneo et al., 2011). For criminal justice system and victim service professionals to develop appropriate responses to stalking behavior, there must be an understanding of what factors increase individuals' chances for stalking victimization, more appropriate and accurate labeling of the behavior, and increased reporting practices to formal authorities (Menard & Cox, 2015). No researchers to date have studied the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. These professionals have an in-depth view of stalking victims' help-seeking behaviors. Thus, the intention of this study was to gather how the justice system and victim service professionals perceived stalking so that a more accurate and timely response can be provided to victims.

### **Research Questions**

To generate descriptive themes that judges, attorneys, and victim service professionals ascribe to stalking victimization, I developed research questions to elicit the

thoughts, feelings, and experiences of said professionals. The participants' individual experiences of stalking victimization were compared to each other to generate in-depth, descriptive, and real experiences of the phenomenon. To determine how participants' epistemological and ontological experiences shaped their perceptions of stalking victimization, I conducted semistructured interviews. To reduce social desirability bias, the interview questions were loosely framed. The central research question was: What is the perception of stalking victimization? The research subquestions were:

1. What are the lived experiences and perceptions of judges and attorneys within the various levels of the Ohio justice system regarding stalking victimization?
2. What are the lived experiences and perceptions of victim service professionals within various agencies in Ohio regarding stalking victimization?

### **A Phenomenological Approach**

In this study, I employed a qualitative, phenomenological approach that was grounded in philosophy and psychology. Use of this approach allowed me to assess the participants' lived experiences specific to stalking victimization. Phenomenology culminates at the essence of experiences shared by individuals who experienced the same phenomenon (Creswell & Creswell, 2018). Phenomenology is a theoretic lens that may be used to capture the way participants perceive, describe, feel, judge, remember, make sense of, and talk about the same experience (Patton, 2015). Phenomenology was the most appropriate method of inquiry in this study because of the ability to collect information from individuals who share a common experience (see Laverly, 2000).

In this study, I specifically used the interpretive phenomenological design, which is employed to understand human experiences (see Perry, 2013). To understand the nature or meaning of the shared phenomenon under study, I conducted interviews and continued until saturation was met, or no new data were collected in the investigation (see Mason, 2010; Patton, 2015). Researchers generally use saturation as a guided principle in their sample size (Mason, 2010). For phenomenological studies, it is suggested 5 to 25 interviews be conducted (Creswell, 1998). Once the interviews were complete and data analysis was done, it became clearer how judges, attorneys, and victim service professionals perceived stalking. Understanding how these professionals conceptualized stalking victimization was pertinent in identifying frameworks for explaining the phenomenon, formulating responses to the behavior, implementing potential effective and timely treatment of stalking behavior, and developing interruption strategies to limit or eradicate stalking.

### **Methodology**

I chose the participants based on similar characteristics or traits and whether they experienced the same phenomenon, otherwise known as a homogenous purposeful sample (see Patton, 2015). Additionally, participants' experiences, exposure, values, and understanding of stalking victimization were considered. Furthermore, I used criterion sampling to ensure participants had knowledge of stalking victimization. To recruit participants, I used snowball sampling as participants were encouraged to refer colleagues who fit the inclusion criteria, which were the following:

- Earned a law degree from an accredited university; passed the bar exam mandated by the American Bar Association to practice law; and had experience in litigating criminal, domestic, and/or civil hearings where stalking-type behaviors are present in the fact finding.
- Worked in an advocate role or social work position and had clients who experienced stalking-type behavior.

I recruited potential research participants via email and in-person inquiry using snowball sampling from a prosecutor office, a court of common pleas, the Ohio Supreme Court, a legal aid society, a university's legal services office, the Attorney General's Office, a domestic violence shelter, a child advocacy center, and an agency specific to immigrants. An email was sent to a list server of advocates, otherwise known as the Advocate Coalition, calling for research participants. If prospective research participants were interested in partaking in the study, I instructed them to send me an email proclaiming their interest to participate. Once candidates expressed interest in participating in the study, they received an attachment in their email, which included an Informed Consent and Disclosure Statement with instructions on how and when to return their response. The Informed Consent included the approval number for the study, 11-09-21-0980960. My contact information was provided in the event they needed to contact me with questions or for clarification purposes. The ability to send an email through a list server saved time by reaching a lot of people at once. As potential candidates became official research participants, I used snowball sampling to recruit additional candidates for review and acceptance into the study.



There is no set minimum of participants in qualitative research (APA, 2020). One interview is never enough because at least two interviews must be examined (Boddy, 2016). Conversely, a sample size that is too large does not allow for a rich, descriptive analysis (Sandelowski, 1995). A large sample size in qualitative research does not necessarily yield more information (Mason, 2010). Boddy (2016) proclaimed 30 participants as too large of a number for analysis. Researchers have suggested interviewing 10 participants for a homogenous sample (Sandelowski, 1995). In a study of researchers who used phenomenology as their research approach, Mason (2010) found the average number of interviews conducted was 20. Because of the range provided by previous researchers, I interviewed 15 to 24 participants for this study until data saturation was met. Saturation is the process of analyzing patterns and adding samples until no new information is learned (Patton, 2015). Data saturation allows for generalization, begins to be apparent after six in-depth interviews, and is most assuredly evident by 12 in-depth interviews (Boddy, 2016). Most importantly, as much as possible, the sample size should be a representative sample of the population (Bock & Sergeant, 2002).

### **Data Collection**

Qualitative research includes the evaluation and assessment of emerging themes through asking the participants open-ended interview questions that the responses are then categorized into themes and patterns (Creswell & Creswell, 2018). I used multiple methods of data collection in this study. The inclusion criteria were the participants had to have a law degree and had worked with perpetrators or victims of stalking.

Additionally, victim advocates from various agencies who had also worked with victims of stalking were considered. Data were collected through one-on-one interviews with participants who gave rich descriptions of their experiences and perceptions. In the following subsections, I detail the methods used to explore the emergent categories from participants' interview responses.

### **Data Collection Assumptions**

One data collection assumption I made was that the research questions would generate rich, robust, descriptive data on the participants' perceptions of stalking victimization within the context of the criminal justice system and victim services. The goal of qualitative researchers is to extract the meaning, experiences, motives, and opinions of participants and to see the world from other perspectives rather than their own (Rubin & Rubin, 2012). Open-ended questions were used to encourage participants to describe their feelings and perceptions of stalking victimization and how their perceptions impact their professional response regarding stalking-type behavior. Gathering how judges, attorneys, and victim service professionals thought and felt about stalking victimization provided me with data to develop and identify theories that explained and provided a framework for responding to stalking victimization.

Another data collection assumption was that I would have my own experience in this process and that experience may impact the way I interpreted data. As a researcher, I tried to minimize my assumptions but recognizing I had some was the first step. Recognizing my own assumptions increased the trustworthiness of the data. Researchers need to be clear in the way they strive to check for assumptions to uncover the unknown;

one suggestion to manage researchers' assumptions is to not set aside a particular time to "do" analysis but rather have the process be fluid (Engward & Goldspink, 2020).

Having enough participants to interview so the study results were trustworthy was another data collection assumption. The COVID-19 pandemic has impacted the ability for people to live and work in a normal setting. Because of the pandemic, some participants were limited in their ability to participate in the study. Therefore, I offered accommodations, such as telephone and Zoom interviews, in lieu of face-to-face interviews. Barriers to interviewing when using technology were taken into consideration. Internet interviews, when compared to face-to-face interviews, are much slower (Rubn & Rubin, 2012). For this reasons, face-to-face interviews were preferred over all other modes of interviewing. However, with the potential for COVID-19 hotspots, face-to-face interviewing was not always an option and interviews were conducted through other modes as well. It was my goal to interview people as their schedule allowed it, so I conducted several interviews a week until saturation was met.

### **Preliminary Meeting**

I notified participants by email of their selection for the study. Notification of scheduled interviews were sent electronically with a date, time, and venue (as needed). I held a premeeting with each participant, either in person, via email, or over the phone, to build rapport, establish trust, review the informed consent procedure, and educate them on their rights as participants and the potential risks of participating in the study. Demographic information, such as gender, age, years of professional experience, and the setting in which the professional worked with victims of stalking, was collected. To

increase the trustworthiness of the data, I developed a protocol so each participant was asked the same questions. Interviews were held in person, by Zoom, or by telephone and in a safe, private environment of participants' choosing. Participants were notified the interviews would be recorded and reviewed later.

### **The Interview Protocol**

Rapport building was used at the beginning of the interview to set the participant at ease. I reminded participants the interview would be recorded and reviewed later and that they may stop the interview at any time for any reason. During the interviews, I listened to and recorded the responses of participants, taking descriptive and reflective notes. There was a debriefing time at the conclusion of the interview that allowed participants to decompress and ask any questions.

### **Data Analysis**

Participants' initials were used and coded with a unique number only known to the researcher. Following the interviews, the data were transcribed into a Word document. Extraneous words were omitted. Robust, rich, and descriptive experiences by the participants were structured and organized to make sense. Data were coded into categories by labeling the categories with a term (Creswell & Creswell, 2018). Repetitive words were coded into themes. Themes provided an understanding of the values, attitudes, and beliefs of judges, attorneys, and victim service professionals. Codes were then linked to larger, more meaningful data. NVivo, a data analysis software that imports data, analyzes it, and helps draw clear conclusions, was used as a tool to assess themes. A small number of themes or categories should be generated, around 5 to 7 per research

study (Creswell & Creswell, 2018). The accuracy of the findings was checked to ensure validity (Creswell & Creswell, 2018). In the event of a discrepant case, I still included such perceptions as they were the experience of the participant(s), but the major analysis was of the themes of the majority of cases.

Reliability and validity of scientific research dates to the 1950s and 1960s; attempts to apply traditional notions of reliability and validity to qualitative research proved challenging (Huttenen & Kakkor, 2020). Qualitative data are often subjective, but participant observation will provide the opportunity to gain intimate knowledge of stalking victimization reducing validity error (Guest et al., 2013). One validity strategy is member checking where the researcher reports major findings from the study to the participants and has them determine whether the findings are accurate (Creswell & Creswell, 2018). Considering I have professionally experienced advocating for victims of stalking, I can proceed with confidence knowing I have a firm understanding of the data being collected (Guest et al., 2013). To ensure the data analyzed aligns with participants' perceptions, member checking was utilized.

Member checking is used to elicit feedback and review findings for accuracy. Participants were asked to validate their experience of stalking victimization to ensure that what has been extracted is correct. Furthermore, participants were asked if the themes accurately depict their lived experiences of stalking victimization in their professional setting. Interviews continued until saturation was met, or themes repeated themselves. Additionally, persistent observation was utilized to examine characteristic of

the data through analysis, recheck findings, and revise, as necessary (Korstjens & Moser, 2018).

### **Role of the Researcher**

My goal in this study was to play a neutral role as a researcher; however, my voice would inevitably be included in the research as my own experience takes up space in the interpretive work that was done (Engward & Goldspink, 2020). Participants knew my research goals. I was an observer and focused on the role of the researcher as I took notes during the interview. Participant observation is often associated with qualitative research, where “why” questions are asked (Guest et al, 2013). Thus, open-ended questions were asked to elicit descriptive details of participants’ experiences. Open-ended questions allowed participants to respond any way they chose, elaborate on their responses, and disagree with questions (Rubin & Rubin, 2012).

Because of my past professional experience in advocating for victims of stalking in a court setting, it was possible I may know professionals in the field. However, I did not interview anyone I knew personally. Existing relationships may increase trust and facilitate disclosure by the participant, but having a professional relationship with a participant may also be a conflict of interest (APA, 2020). Knowing participants may be a relationship risk. Being embedded within the criminal justice system and having been an advocate for victims of stalking myself provides the unique opportunity to know what questions are relevant to ask when interviewing (Guest et al, 2013). Biases were clarified through self-reflection, otherwise known as reflexivity (Creswell & Creswell, 2018). The

interpretation of findings was examined and also how my background may have influenced the findings.

### **Issues of Trustworthiness**

No matter the research strategy that is used, credibility of the study is necessary (Patton, 2015). The term *trustworthiness* came about when trying to ascribe reliability and validity to qualitative research (Huttenen & Kakkor, 2020). Trustworthiness includes reflexivity, or an awareness of how the researcher influences the research process (Engward & Goldspink, 2020). Reflexivity is a process and should be fully integrated into the research steps when analyzing data (Engward & Goldspink, 2020). The data were not manipulated to arrive at a predisposed proposition of what one may think should be the outcome (Patton, 2015). To ensure credibility, or truth value, several strategies are available, but not all are suitable for specific studies (Korstjens & Moser, 2018). Specifically, dependability established whether the study was consistent and repeatable. Member checking was used to review findings for accuracy. Transferability came about once thick, rich, and robust themes emerged from the study. Themes relayed how well the study could be applied, or the degree to which it could reach beyond the bounds of the study. The goal was for this study to be applicable to similar situations or individuals. To increase trustworthiness in the study, the ethics of research were considered.

### **Ethical Procedures**

Psychologists have operated under a code of ethics since the 1950s (Hailes et al., 2021). Throughout the research process for this study, ethical principles were considered. The three principles of research are ensuring the findings are accurate, protecting the

rights and welfare of the participants, and protecting intellectual property rights (APA, 2020). To ensure confidentiality, participants were interviewed individually. Furthermore, to ensure accuracy, data were transcribed word for word, and major themes of the study were sent to participants for member checking. Participants were offered a summary of the final study. Qualitative research presents a unique ethical issue in protecting participants' identity because they are sharing stories unique to themselves. Such stories may compromise their identity, and it is possible data may need to be withheld to protect the identity of the research participants (APA, 2020). Researchers are bound by the anonymity of research participants when recording, archiving, and then reporting data (Dragga & Voss, 2020). Participants were informed in the Consent Form that they were not judged for their participation in the study or lack thereof. Although I may work at an office where some participants were recruited, I did not recruit people I knew, or had a professional or personal relationship with. Participants had the opportunity to stop the interview at any time for any reason. Protecting intellectual property rights ensures those who made a significant scientific contribution to a study are recognized as an author (APA, 2020). Because I am the only researcher in this study, protecting intellectual property rights was a nonissue.

### **Summary**

The objective of Chapter 3 was to describe the procedures that were used to elicit the meaning that judges, attorney, and victim service professionals ascribed to stalking victimization. This section included the research design and rationale, research questions, methodology, approach, data collection measures and analysis, and trustworthiness



necessary to replicate the study. A phenomenological, qualitative study was chosen because it is the best design to describe the lived experiences of the participants. A purposeful sample followed by snowball sampling was used to recruit participants. Data collection continued until saturation was met. Member checking was used to review accuracy of the data analyzed.

The results of the data collected will be presented in Chapter 4. The most popular approach to qualitative research, otherwise known as a narrative description of themes, will also be discussed in Chapter 4 (Creswell & Creswell, 2018). Implications such as emerging research questions, theoretical insights, and new understandings will be revealed in Chapter 5 (APA, 2020). Additionally, Chapter 5 will include future research recommendations.

## Chapter 4: Results

The purpose of this phenomenological investigation was to explore the lived experiences and perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Previous researchers had not addressed such perceptions. To fill this gap in the literature, I interviewed judges, attorneys, and victim service professionals who worked with perpetrators and/or victims of stalking in their current or past profession. Chapter 4 includes a description of the settings in which the interviews took place and a demographic representation of the research participants. The data collection and analysis processes of the interviews, evidence of trustworthiness, and the results of the study are also discussed in this chapter. The research questions that guided the study were:

1. What are the lived experiences and perceptions of judges and attorneys within the various levels of the Ohio justice system regarding stalking victimization?
2. What are the lived experiences and perceptions of victim service professionals within various agencies in Ohio regarding stalking victimization?

### **Setting**

After receiving Walden University Institutional Review Board approval, I began snowball sampling by asking colleagues to recommend other colleagues who fit the inclusion criteria of the study. Once I had a list of potential participants, I sent an invitation email. I also sent an invitation email to a list server of advocates. Follow-up phone calls were made and follow-up emails were sent to clarify any questions potential participants had about the study. Once a prospective participant showed interest in the

study, I sent them an invitation email asking for their consent to participate in the study. Six participants sent emails saying they consented to the study but never followed up with a date and time to be interviewed. One advocate declined to take part in the study because she did not think she had enough experience working with victims of stalking. A couple of interviews had to be rescheduled because of conflicts that arose with the participants' schedules. The interviews were semi structured and took place in person, on Zoom, and by telephone. Two interviews started over Zoom but had to be converted to telephone interviews because of a bad service connection. Overall, I interviewed six judges, six attorneys, and eight victim service professionals. The interviews provided the participants' descriptive experiences of stalking victimization.

Although the goal was to interview as many participants as possible face-to-face, only six occurred in-person. The COVID-19 pandemic impacted some interviews being held face-to-face because more people were working at home than ever before. My next preferred mode of interviewing was Zoom so that I would have video access to the participants and the ability to read their social and facial cues. Eleven interviews were conducted via Zoom. When face-to-face and Zoom were not an option, telephone interviews were offered. I conducted three interviews by phone. All participants were assured their participation would be kept confidential and the only thing that would be noted in the study would be their demographic information and profession.

### **Demographics**

By the time snowball sampling was complete and saturation had been met, I interviewed six judges, six attorneys, and eight victim service personnel. Tables 1–5

represent the results of the demographic questions (see Appendix A) that were asked of each participant.

**Table 1**

*Participants' Sex*

	Judge	Attorney	Victim Service Professional
Male	2	3	
Female	4	3	7
Nonbinary			1

**Table 2**

*Participants' Races*

	Judge	Attorney	Victim Service Professional
White	4	6	7
African American	2		
Other			1

**Table 3***Participants' Ages*

	Judge	Attorney	Victim Service Professional
Range of years	53 to 74 years	35 to 62 years	26 to 54 years
Average of years	58 years	43 years	40 years

**Table 4***Participants' Average Years Working in Their Profession*

	Judge	Attorney	Victim Service Professional
Range of years	3 to 18 years	11 to 25 years	5 to 24 years
Average of years	9 years	15 years	13 years

**Table 5***Participants Who Had Training on Stalking*

	Judge	Attorney	Victim Service Professional
Yes	1	5	8
No	5	1	

### **Data Collection**

Upon receiving Walden University Institutional Review Board approval, I began snowball sampling by asking in-person colleagues who were attorneys to refer someone who met the inclusion criteria. Criterion sampling was used to ensure all participants had experience working with stalking perpetrators or victims in their current or past employment. Overall, 10 attorneys were referred to me, eight consented to the study, and six ended up participating. To recruit advocates, I sent an invitation email via a list serve to an advocate coalition. I contacted colleagues who were victim service professionals via email and in person and asked them to refer potential participants who met the inclusion criteria. The director of a local domestic violence shelter was also contacted through an invitation email to inquire about potential participants. Additionally, I sent invitation emails to supervisors of a child advocacy center and an organization that works with immigrants. Overall, 11 advocates consented to the study and eight advocates participated. To recruit judges, I asked in-person colleagues in the justice system to refer potential participants who met the inclusion criteria. Judges were more difficult to recruit. Once I interviewed one judge, I asked them to refer another colleague. Overall, seven judges consented to the study and six judges participated.

The goal of the study was to interview 15 to 24 participants or until saturation was met. The final sample of the study included 20 participants: six judges, six attorneys, and eight victim service professionals. Three judges worked in municipal court, and three judges worked in domestic relations court. I interviewed three defense attorneys and three prosecutors who worked in various platforms, including municipal court (one), common

pleas court (one), domestic relations court (one), the Ohio Attorney General's Office (one), and private practice (two). Victim service professionals ranged from legal advocates (two), community advocates (three), advocates in a college level setting (two), and an advocate who worked with immigrants/refugees.

Interviews were conducted between November 12, 2021 and December 13, 2021. Because of the COVID-19 pandemic, I offered telephone and Zoom interviews if in-person interviewing was unavailable. Interview days and times were selected by participants to increase participation and ensure their availability. I briefed each participant at the beginning of each interview that our conversation would be recorded. All participants agreed to be audio recorded for transcription purposes. At the conclusion of each interview, I asked each participant if they consented to me potentially quoting them anonymously in the study and editing their statements for grammatical purposes. All the participants agreed. The audio of the interviews was recorded on an Olympus VN-541PC recorder. Interviews were between 9 and 39 minutes long with an average time of 21 minutes.

Following the demographic questions, I asked each participant the interview questions (see Appendix B). To ensure clarification, as needed, follow-up questions were also asked. After the completion of interviews, I created transcriptions from the audio recordings and my notes. The initials of each participant were noted at the top of the interview notes along with the date, time, and the mode of the interview. Each transcript number corresponded with the number on the recorder. For example, Interview 1 on the recorder corresponded with the initials and Interview 1 on the written notes. Interview 2

on the recorder corresponded to the initials and Interview 2 on the written notes, and so on. I told each participant at the beginning of their interview that they would receive a copy of their transcript. Once transcripts were completed, I emailed them to each participant. I gave each participant 1 week to respond if they had any issues with the transcripts. The only issues noted by participants was their overuse of the word *um* and typos.

The data collection methods outlined in Chapter 3 were followed. A couple of incidents arose when interviewing participants. On two occasions, a Zoom interview was scheduled, but due to connectivity issues, had to take place over the phone. Both participants were gracious in this process. The other issue was when I was interviewing a judge, we were interrupted by his secretary to sign some documents. After being interrupted, he encouraged me to continue, and we were able to finish the interview without incident.

### **Data Analysis**

To begin the coding process, I reviewed transcripts based on the participants' job classifications (i.e., judge, attorney, and victim service professional) to determine if there were any common terms or ideas the participants shared within their specific job classification. Once I reviewed the transcripts, it was determined that all three job classifications shared common terms and ideas among participants. Upon initial review of the transcripts for coding, I consolidated the interview data into four groups: interviews of judges, interviews of attorneys, interviews of victim service professionals, and all interviews together.



The consolidated data were the input into NVivo, a data analysis software program. The categories of risk factors, stereotypes, treatment, accountability, support, and improving systems were identified in all 20 interviews (see Table 6).

**Table 6**

*Categories and Themes*

Categories	Risk Factors	Stereotypes	Treatment	Accountability	Support	Improving Systems
Theme 1	Stranger stalking	Making it up	Therapy	GPS monitor	Advocacy	Training
Theme 2	Intimate partner stalking	Crazy	Limited	Wraparound services	Wraparound services	Use resources
Theme 3	Cyber-stalking	Bringing the stalking on themselves		COVID-19	COVID-19	

**Evidence of Trustworthiness**

Huttenen and Kakkor (2020) explained that trustworthiness came about when trying to ascribe reliability and validity to qualitative research. Trustworthiness includes an awareness of how the researcher influences the research process, otherwise known as reflexivity (Engward & Goldspink, 2020). Reflexivity is a process and should be fully integrated into the research steps when analyzing data (Engward & Goldspink, 2020). Having worked in the field of criminal justice for the past 7 years and as an advocate of victims of stalking myself, I had to be careful not to integrate my feelings or experiences into the interviews. I found myself agreeing out loud with participants when I empathized with something they said. I noticed this right away and then made a cognizant effort to be

as neutral as possible by actively listening while not persuading participants one way or another. Patton (2015) said that neutrality is not easily attainable by a researcher but can be if the researcher is aware of and deals with selective perception and personal biases. The evidence of trustworthiness is outlined in the following subsections on credibility, transferability, dependability, and confirmability.

### **Credibility**

Patton (2015) described credibility of any study as necessary; researchers should adopt a stance of openness and fully document methods of inquiry along with implications for findings. Participants were selected through criterion sampling, ensuring each person had experience working with perpetrators and/or victims of stalking. The criterion sampling, inclusion criteria, and the interview questions in this study may be replicated for future studies. Transcripts were created and compared with notes written during the interviews. Such methods show I did not set out to prove a perspective or manipulate data to arrive at a predisposed proposition.

### **Transferability**

The transferability steps outlined in Chapter 3 were followed without any adjustments. Participant recruitment steps, the setting in which the research took place, and results allowed for transferability to future studies. Appendix A and B includes the demographic and interview questions. Transferability was allowed once thick, rich, and robust categories and themes emerged from the study.

**Dependability**

Dependability establishes whether a study is consistent and repeatable. No adjustments were made to the dependability strategies described in Chapter 3. Audit trails were created through data collection, data analysis, and notes. A transcription review was done by all participants. A summary of results was sent to each participant via email. Member checking was used to review findings for accuracy. To increase dependability, Patton (2015) said the processes should be logical, traceable, and documented. Similar to transferability, dependability was established once in-depth information was obtained through the interviews.

**Confirmability**

Confirmability was established by using audit trails as described in Chapter 3. I did not make up the interpretations of the study. I followed what Patton (2015) described as linking assertions and finding interpretations. In combination, trustworthiness of this study was established through credibility, transferability, dependability, and confirmability.

**Results**

As displayed in Table 6, the categories came about through the rich, descriptive, and robust interviews of each participant. These themes were mentioned by the participants although their wording was slightly different depending on their job classification. The following describes in more detail the participants' perception of each theme as it relates to stalking victimization.

## **Risk Factors**

Participants were asked how stalking behavior posed a risk to victims. A judge stated, “A lot of them feel helpless. I’ve had women tell me they know they’re going to end up dead.” Both a judge and advocate noted that stalkers pose a risk and there is absolute danger in all types of stalking. Stranger stalking was one theme under the category of risk factors. Mental illness coupled with stranger stalking was noted the most by participants. An advocate explained that someone with mental illness and stalking tendencies can be scary. One judge proclaimed, “Those who pursue strangers pose the most risk to victims because they are less easily identified.” One attorney admitted stranger stalkers are some of the most troubled people they had ever met. Participants noted stranger stalking is a lot harder to predict and may become deadly for the victim. One attorney discussed a specific instance:

I had a client with erotomania. It’s a clinical diagnosis where a person believes a stranger engaged them and that little idiosyncratic things someone would say or do were messages to them. And, so, my client was very, very sick. This woman worked at a Blockbuster Video and my client was the patron. She was kind to him. I think she may have even apologized for something Blockbuster did and gave him a free movie. That kicked off years of this man following her. I think, to her because there was no context, it was terrifying for her.

Intimate partner stalking was the second theme under the category of risk factors. One judge noted former intimate partners pose a higher threat because they know more about the victim including their schedules, driving routes, where they work, and their

social media passwords. An advocate relayed that intimate partner stalkers pose the most risk just because they have nothing to lose. Another advocate pointed out once someone leaves a relationship, the power dynamics escalate and then stalking ensues. A judge stated, “The most dangerous is the one where there was or is an emotional connection.” An attorney explained that former intimate partners pose the most risk to victims because things tend to escalate, there is more of a chance for hands on violence, and the stalking may be more deadly.

Cyberstalking was the third theme under the category of risk factors. A judge relayed “Cyberstalking is just as invasive and it’s traumatizing because stalkers use a platform to bully, stalk, and torture.” Another judge noted, “Cyberstalking could be worse because you don’t know when it’s coming. It’s happening but you can’t take a breath and think about when it’s happening.” An advocate agreed that cyberstalking is a huge risk for survivors. Lastly, an attorney relayed, “The fear is more perpetual and more real because they know, just like big brother, they know exactly where you are, so you feel like you are never alone, you are never free from them.”

### **Stereotypes**

Making up the behavior was one theme under stereotypes of victims. Specifically, one attorney stated the court may view the behavior as “not that bad.” Other words used to describe a victim of stalking included exaggerating the behavior and being oversensitive. Another attorney stated the following:

I think a lot of negative stereotypes are that they are over exaggerating and viewing the behavior as not that bad. Why would you be upset that someone sent

you flowers? A lot of people don't realize how daunting and how scary that can be for someone that's been stalked by someone. I think a lot of times there's just this negative connotation that they aren't harming you because it is just gifts, or it is just messaging you a bunch. But it is harmful. It can be very mentally harming to a survivor.

Three judges specifically indicated that a negative stereotype of victims is that they are making up the behavior for an ulterior motive. One judge mentioned the behavior being made up to make the victim look better in a divorce or custody case. Another judge stated similarly that victims make up the behavior to improve their chances with child custody and/or finances. A third judge stated:

There are times perpetrators indicate that an order is being used as a sword instead of a shield. Victims are getting a protection order and then sort of inviting the alleged perpetrator to violate the order and then using that violation against them.

The second theme under negative stereotypes of victims is that the victim is crazy. Several participants across job classifications (judge, attorney, and victim service professional) listed the negative stereotypes of victims being crazy, histrionic, and/or paranoid. One attorney stated:

When you add gas lighting for what is often an extended period of time, even the way that a "normal person" who may have been very calm when this first started, can be very triggered. When someone is being triggered and reacting to the behavior, it feeds into or can be twisted into this idea of dramatics, which it's not.

To be clear, gas lighting is a type of psychological abuse utilized by abusers to confuse and distort reality, which makes victims of abuse feel crazy (Sweet, 2019). Gas lighting undermines victims' experiences feeds into the notion of them not being psychologically sound and further exacerbates the idea that a victim of stalking is making up or exaggerating the behavior.

A third theme under stereotypes was victims of stalking bringing the behavior on themselves. Historically, women have been scrutinized for putting themselves in harm's way. It was stated by multiple participants that the victim did not make it clear enough the relationship was over, they encouraged the stalker to stalk them, they had a role in being stalked, or they were accountable for the stalking behavior. One attorney noted, "One of the negative stereotypes is that they gain attention to be stalked whether that is how they act, that they give the person too much attention, or that they lead them on." A victim service professional added, "Often, the victim is blamed for why they are stalked and why they don't take additional efforts to prevent the stalking." Lastly, a judge proclaimed:

Victims of stalking deal with a type of negative stereotypes that all victims deal with; that somehow, they are accountable for the behavior. It's just like wearing a mini skirt and being a victim of rape; that you somehow asked for it.

### **Treatment**

Therapy was one theme under treatment. It was suggested by several participants over all three job classifications (judge, attorney, and victim service professional) that therapy may be helpful as a type of treatment for offenders. One attorney noted that

treatment for an abuser has evolved over time: “Way back even in the domestic violence world, even if we suggested to help the abuser, it was like, get out of the room.” Another attorney noted, “Cognitive behavioral therapy is helpful for trying to reframe the issues and stay out of those thought traps they are in. It may be offered as an outpatient treatment or mandated through the probation department.” Another attorney added, “I think it’s more like a personality disorder or personality trait that makes them ignore things that other people would acknowledge. Counseling definitely seems like it could be helpful.” However, one advocate stated plainly, “I have not seen any treatment that is effective long term.”

Therapy was also suggested as a treatment option for victims of stalking. It was suggested that therapy be specialized. One advocate noted, “It needs to be a counselor who understands domestic violence stalking victimization.” Another advocate added, “A victim of stalking must have service providers that are trained in knowing stalking and can help them with safety and resources.” “I would guess that psychology or psychiatry would be the best to help them deal with the behavior as with any trauma victim,” stated one judge. Although therapy was suggested by several participants, it was noted that therapy may not be available or specialized enough for either offenders or victims of stalking.

The second theme under treatment was limited. Specific to offenders, participants noted that many stalking offenders were lumped in with domestic violence offenders when seeking treatment. One advocate stated, “I know there is a domestic violence assessment, but I don’t find that to be effective.” “There is more of a focus on the



traditional domestic violence assessment, so stalkers don't learn how to remove themselves from a toxic relationship," added one attorney. Two advocates mentioned domestic violence counseling or anger management, but nothing related to stalking. A judge admitted:

I know that we have domestic violence treatment, and it seems we try to push people into that, but stalking is a step beyond domestic violence because domestic violence is one of the crimes that you look at to come up with a stalking charge.

So, I am embarrassed to say I don't know about stalking treatment. Sorry.

It was surprising how many participants noted there was no treatment for stalking behavior, or at least they did not know of any. One judge said, "good question" when I asked what treatment was available for stalking offenders. Another judge said, "I'm sure there are some. I don't know what they are. I am really embarrassed about it and would like to know." Another judge added, "I honestly don't know what's available for perpetrators of stalking."

Similar to limited treatment options for perpetrators of stalking, participants noted a lack of treatment options specific to stalking victims as well. One attorney noted, "They have a lot of the same resources as domestic violence victims." What happens when the offender is not a previous intimate partner? Then, domestic violence resources are not appropriate or available. One advocate stated, "Besides a general counseling or a trauma counseling, I can't think of a specific stalking related resource, it would just be general counseling or trauma counseling." Another advocate added victims of stalking may be

offered mental health counseling or a domestic violence shelter but nothing specific to stalking victimization.

The COVID-19 pandemic has also limited resources for treatment. One attorney noted that the COVID-19 pandemic exacerbated interpersonal violence, menacing by stalking, and mental illness. It was suggested by all three job classifications (judge, attorney, and victim service professional) that the COVID-19 pandemic impacted the ability for offenders and victims of stalking to have treatment options available to them, especially in-person. One defense attorney explained:

When I've sent people who I am representing to go get a counselor, it's taking them months to get an appointment, so I think mental health services are lower and I'd imagine it must be harder if you're a stalker trying to cope with what's around you. I think there's less access to resources that could help mitigate stalkers' actions.

### **Accountability**

Judges and attorneys were asked about specific measures to hold stalking offenders accountable. Additionally, as the interviews progressed, victim service professionals also mentioned types of accountability measures for stalking offenders. Table 7 lists the measures that were asked of participants, and each X represents one judge or attorney who mentioned that specific type of accountability measure.

Participants were offered the opportunity to pick more than one measure. Attorneys were divided between defense and prosecution to parse out differences in opinions, if any.

**Table 7***Accountability Measures*

	Judge	Defense Attorney	Prosecutor
Prison time	XX	X	XX
Pre-trial services/diversion program	XXX	X	X
Protection order	XXXXX	X	XXX
Probation/parole	XXX	X	
Treatment	XXXX	X	XX
Other strategy		XX	

A GPS monitor was one theme under the category of accountability. All six attorneys mentioned the GPS monitor as an accountability measure either as part of pre-trial services/diversion program, probation/parole, or as another strategy. Several judges and victim service professionals also mentioned GPS as an accountability measure. One advocate noted:

From what I've seen, a GPS monitor on a perpetrator is beneficial because it makes them follow the protection order for the stalking. A lot of times, they think a protection order is a piece of paper and no one is going to know if it's violated. Perpetrators believe survivors are not going to come forward and alert the justice system. I think having something that tracks their moves is beneficial.

“A threat to them is what I’ve seen modify the behavior,” explained one attorney.

Another attorney noted that making the stalker feel watched or monitored is an effective accountability measure:

I think that funding an ankle monitor is a really, really good one. I think you can immediately say, I have this one guy tagged like a wild animal and we know where he’s at all the time. People are embarrassed it’s on. It can be seen by other people. And they want it off; they are motivated to take it off. They know now that they are being watched 24 hours a day. So, it probably could give some insight of what being stalked feels like.

A judge stated, “GPS is effective because I’ve had probation officers call me over the weekend if someone violated it. So, we know when they are near somebody, and we can do something about it.” One attorney relayed that even though GPS is not ‘real time,’ it can at least reduce gas lighting by confirming an offender is where the victim reports they are. One judge noted, “I don’t want to sound morbid, but GPS is great for when I get the murder charge; then I’ll be able to show he/she was there.”

Wraparound services was the second theme under accountability for offenders. Several participants mentioned a combination of measures to hold stalking offenders accountable. Rarely did a participant mention only one measure. One attorney said, “Counseling through probation would be the combination I’d go with.” Another attorney added, “When you’re using a combination of GPS monitoring, protection order, and incapacitation, it can improve stalker accountability.” One judge simply stated, “All of

them” when asked which measures hold stalking offenders accountable. A different judge added more detail:

I’m going to cheat and say all of them. I don’t think you can change the behavior by doing anyone of those things. If you have a stalker, you have a narcissist who knows how to manipulate the system. You have to knock them off their game. In order to do that, you have to do all these measures. Pre-trial services need to be holding them accountable and make sure they are not justifying their behavior. Trial prosecution and probation needs to utilize bond and probation violations. All the things that you listed need to find some way to work together for the stalking behavior to change.

Another judge added:

The courts, stakeholders, and service providers need to coordinate their efforts to hold stalking offenders accountable. When the court uses the tools to their disposal, it can be effective in holding stalking offenders accountable and protect victims at the same time.

Although various measures are provided to hold stalking offenders accountable, measures were not always available because of the COVID-19 pandemic. COVID-19 was the third theme under accountability measures for stalking offenders. One attorney explained that COVID-19 exacerbated interpersonal violence, menacing by stalking, and mental health. Other attorneys mentioned they could not refer their clients to specific treatment options because the waitlist was too long due to the pandemic. Judges pointed

out that they could not always use jail/prison time as an option to keep offenders locked up because the measure was discouraged due to the pandemic. One judge stated:

It is this Wild West mentality that you can get away with more during COVID.

When I have someone who's been arrested, I'm told I must let someone out of jail because of COVID. So, if you are someone that has the mentality to stalk, you think you won't be held accountable, and the stalking may increase.

Another judge noted, "You have to be really careful with who you put in jail due to COVID."

### **Support**

Victim service professionals were asked about specific measures to support victims of stalking. Additionally, as the interviews progressed, judges and attorneys also mentioned types of support measures for victims of stalking. Table 8 lists the measures that were asked of participants, and each X represents one victim service professional who mentioned that specific type of support measure. Participants were offered the opportunity to pick more than one measure.

**Table 8***Support Measures*

	Victim Service Professional
Safety planning	XXXXXXXX
Documenting the behavior	XXXXXX
Protection order	XXX
Liaising between the victim and the justice system	XX
Treatment	XX
Other strategy	X

Advocacy was the first theme under support for victims of stalking. Advocates were deemed by participants as the ones who have the most information about support services. Additionally, it was noted by participants that although victim advocates are great, there is not enough to go around for stalking victims. One judge noted victim advocates are the ones who provide treatment to victims of stalking. Another judge suggested the following:

We need to create the very role of a liaison between court services and services offered on the outside. We need an advocate in the sense that this individual will be assigned to walk survivors through life after granting a protection order.

Courtroom advocacy was also suggested by a judge: "It's important for advocates to stay in touch with victims and try to provide them with services and to cushion the blow of coming to court." Advocacy was not specifically listed as a support measure, but all eight advocates in the study mentioned in some way or another that their services certainly aid

in supporting victims through the process of managing stalking behavior. When one victim service professional was asked about any other strategies used to support victims of stalking, she proclaimed, “advocacy!”

Similar to accountability for stalking offenders, wraparound services was the second theme under support for victims of stalking. Rarely did a victim service professional only mention one form of support for a victim of stalking. One advocate described there needing to be a holistic approach to support services. Another advocate stated, “I think it’s important to have a multifaceted plan to not only address trauma but also address safety.” Additionally, “I don’t think treatment can be effective until someone can increase their feelings of safety,” explained a victim service professional. Specific to support measures, one advocated mentioned, “A protection order is needed because a lot of times stalking is hard to criminally prosecute but when you get that protection order, it can help with the documentation process.” Another advocate added:

I definitely think safety planning is very important and vital in making sure the survivor has the main operation of what that safety plan looks like. Documenting is important because most judges and magistrates want a pattern of conduct with stalking. The more documents you have, the more credible police officers and the justice system will see the survivor.

One advocate pointed out providing support services does not always mean the stalking will stop:

Counseling, safety planning, and protection orders; all those things are put back on to the victim. Victims must change their life to implement the safety planning.



They have to face their stalker to even get a protection order. And then, counseling; it's a way for them to vent and express what they are going through as a victim of stalking. None of this necessarily stops the stalking behavior.

COVID-19 was the third theme under the category of support. Similar to COVID-19 impacting treatment options, the pandemic has also impacted support services for victims, in general. One advocate noted it was harder for clients to reach out because of COVID and when they did, it was harder to be connected to a resource. Another victim service professional went into more detail:

I think at the beginning of the pandemic, folks were hesitant to go forward in contacting law enforcement because there was a pretty big pause in our judicial system. So, a lot of hearings weren't happening, and people were getting released from incarceration. Protection orders were down because individuals weren't making reports. They were locked down, and again, seeing that things weren't moving forward in the local courts, that was a big hesitation. If they made that report, where are they going to be able to go, or what protection is going to be there for them?

Additionally, a judge noted, "I think the pandemic made victims feel more hopeless and helpless because they didn't have anybody checking in on them." An advocate agreed by saying the increase in isolation and loneliness made it more difficult to have someone checking in on them. Lastly, a judge noted that the inability to have person-to-person contact impacted victims' ability to be supported.

## **Improving Systems**

Training was one theme under the category of improving systems, whether that be the justice system or victim services. Only one judge out of six admitted to having some type of training on stalking, and that was when she was a prosecutor, not as a judge. Judges were open about their lack of knowledge on the topic. One judge stated simply, “We didn’t know what stalking meant.” An attorney pointed out, “I don’t know that judges appreciate the danger, and the risk stalkers pose.” Another attorney specifically singled out ‘the bench’ as not being trained or educated on stalking. One judge noted she did not know much about stalking but one way to improve the justice system is to present on the topic at a judicial conference. Victim service professionals agreed that to improve both the justice system and victim services was to provide trainings on stalking. One advocate pointed out, “There are a lot of trainings on domestic violence but nothing specific on stalking.” Another advocate described trainings for police officers and justice system personnel as “key and huge.”

The second theme under improving systems was to use resources. One judge was cognizant enough to realize that if victims of stalking receive the services that they need to protect their mental health, they may be less afraid to contact the justice system if they continue to have issues. Another judge noted, “Any time I have those hair-raising situations in my courtroom, I never let women leave without resources.” It was suggested by another judge to have the justice system create a bridge so survivors of domestic violence and/or stalking do not stay victims. “If survivors are provided meaningful, wraparound services, then they are able to have a meaningful life and they won’t feel

financially strapped to go back to that person.” The inconsistency of the justice system was mentioned by victim service professionals. One advocate suggested, “Wraparound resources are necessary so the disconnect between the judicial system and the education piece for the victims improves victims’ understanding of what is available to them and that the justice system is there to support them.” It was noted by a victim service professional that resources are only as good as professionals doing what they need to be doing to make their services available.

### **Summary**

Interviews with participants provided information to answer both research questions. The first research question addressed judges’ and attorneys’ perception of stalking victimization. Interviews showed that participants found stranger stalking, intimate partner stalking, and cyberstalking to pose a risk to victims. One negative stereotype mentioned by judges and attorneys was making up the behavior, especially to try to gain momentum in divorce or custody court. Other stereotypes included victims being crazy and bringing the stalking upon themselves. Judges and attorneys mentioned therapy as a treatment option for stalking victims, but judges especially noted there being limited to no treatment options specific to stalking. Judges and attorneys recommended a GPS monitor to hold stalking offenders accountable but also noted that wraparound services were the most effective. The COVID-19 pandemic has impacted both accountability measures for stalking perpetrators and support measures for victims. Judges proclaimed advocacy was needed to support victims of stalking and recommended wraparound services for victims. Lastly, judges and attorneys noted the lack of training

for justice system personnel and that the justice system may improve by using the resources at their disposal.

The second research question addressed victim service professionals' perception of stalking victimization. Interviews showed advocates agreed that stranger stalking, intimate partner stalking, and cyberstalking all posed a risk to victims. Victim service professionals noted therapy could be an option for perpetrators, although one advocate noted she did not find any treatment for a perpetrator of stalking to be effective. Participants found that treatment for both perpetrators and victims of stalking is limited. A GPS monitor could be used to hold stalking offenders accountable, but using wraparound service was the most effective because of the complicated nature of stalking behavior. Victim service professionals noted, like judges and attorneys, that the COVID-19 pandemic impacted accountability measures for perpetrators and support measures for victims of stalking. Advocates pointed out that their services is a great support to victims, but it should not stand alone. Wraparound services should be provided to support victims of stalking. To improve victim services, advocates suggested more training specific to stalking and that resources be used to surround victims with the most support.

Chapter 4 included the setting in which the interviews took place and the demographic information of the participants. Data collection, data analysis, and evidence of trustworthiness followed. The results of the study were explained in detail through categories and themes. Chapter 5 includes the interpretation of the findings, limitations of the study, recommendations for future research, and implications for positive social change.

## Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this qualitative, phenomenological study was to advance the understanding of the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization. Data were collected via semistructured interviews with judges, attorneys, and victim service professionals who worked with stalking perpetrators and/or victims of stalking in their current or past employment.

Chapter 5 includes a discussion of the interpretations of the findings, limitations of the study, future research recommendations, implications for positive social change, and the key essence of the study. The results of the study may provide valuable information on how to best support victims of stalking, encourage appropriate training for court personnel and victim service professionals, and encourage the justice system and victim service to use the resources available all while holding stalking offenders accountable and providing support to victims of stalking.

### **Interpretation of the Findings**

Participants noted across job classifications (i.e., judge, attorney, and victim service professional) that stalking posed a risk to victims. This finding parallels the previous research findings suggesting that stalking behavior is a predictor of homicide (Smith, 2020). A judge stated saying that she knew one victim of stalking would end up dead. Stalking is often an aftermath of domestic violence and a predictor of sexual violence (Matias et al., 2020; Musielak et al., 2020; National Center for Victims of Crime, 2018). Participants noted the link between domestic violence and stalking, specifically that the end of a relationship shifts power dynamics and abusers escalate their

behavior. A common misconception is that stranger stalking is more dangerous than those stalkers known to the victim (Cass, 2020). Participants noted that strangers who stalk often have a mental illness propelling their behavior and that it is terrifying for the victim. They added that former intimate partners caused a greater risk because of the emotional connection and their access to victims' lives, including their routine and relationship with others. This is similar to other researchers' findings indicating that stalking by former partners posed the greatest risk for physical harm because stalkers were privy to the victim's lifestyle, routines, family, friends, and schedule (Cass & Mallicoat, 2015; Fissel, 2019; Logan et al., 2006; Logan & Walker, 2009; Pathe & Mullen, 1997; Yahye et al., 2020).

Cyberstalking can be just as psychologically damaging as in-person stalking because of the duration and frequency of the exposure to traumatic experiences (Morris et al., 2020). Participants agreed that cyberstalking may cause just as much fear as in-person stalking; there is still a physical risk to victims because one cannot escape it, and perpetrators often use cyberstalking in conjunction with physical stalking. This finding parallels Logan and Lynch's (2017) noted, which is that stalkers are dangerous in a myriad of ways.

Purcell and McEwan (2018) found an absence of research on effective treatment measures for stalking behavior. The reason for this may simply be because there is none. Participants noted a lack of treatment options specific to stalking perpetrators and that often offenders are lumped in with domestic violence offenders. It is unknown whether traditional batterer intervention programs are effective for stalking offenders (Backes et

al., 2020). Many participants noted therapy as a way to curb stalking behaviors; however, due to the COVID-19 pandemic, waitlists for therapy were long, and this was a similar barrier for victims of stalking who were seeking treatment. Participants noted an absence of treatment options for stalking victims as well. Researchers have explained that although there are many helplines and support groups for domestic violence and sexual assault victims, there is little support for victims of stalking (Dreke et al., 2020). The participants suggested that if victims were going to seek therapy or counseling, the professional treating them should specialize in domestic violence stalking and/or trauma counseling.

Electronic monitoring, or GPS, was one accountability measure that several participants noted as an accountability measure for perpetrators of stalking. Besides electronic monitoring, participants stated that wraparound services were necessary when holding stalking offenders accountable. One attorney noted, “When you’re using a combination of GPS monitoring, a protection order, and incapacitation, it can improve stalker accountability.” One judge added, “If you have a stalker, you have a narcissist who knows how to manipulate the system. You have to knock them off their game. In order to do that, you have to do these all measures.” Brame et al. (2015) agreed and noted that tougher sentencing outcomes, including prison time, probation, and mandated treatment, are necessary for those found guilty of stalking-type offenses.

Regarding support for victims of stalking, advocacy was deemed a major support measure for victims of stalking by participants of all three job classifications. This result confirms what research has previously shown. Lynch and Logan (2015) said that victims

of stalking may find comfort in victim service professionals. Additionally, according to the Stalking, Prevention, Awareness, and Resource Center (n.d.), victim engagement with victim service professionals increases their likelihood of safety. Besides wraparound services for victims, safety planning was mentioned by participants as the most important support measure. Stalking behavior is relentless, and stalkers are persistent, so victim engagement with victim service professionals is key for safety planning purposes and documenting incidents in order to build a stronger case (The Stalking, Prevention, Awareness, and Resource Center, n.d.).

Documenting the behavior was another important support measure mentioned by advocates. Specifically, a protection order was a type of documentation that showed the victim was trying to get the behavior to cease. Protection orders increase the chance for police to file charges (Backes et al., 2020). One attorney noted, “Go get an order; it will fix the problem.”

Training for justice system personnel and victim service professionals was one way participants from all three job classifications suggested to improve the justice system and victim services. For the justice system to have the appropriate tools to combat stalking, personnel must understand what constitutes stalking and precipitants of the behavior (Menard & Cox, 2015). One judge admitted, “We didn’t know what stalking meant.” Backet et al. (2020) said lack of understanding of stalking creates barriers to successfully ruling on stalking-type cases. Appropriately ruling on stalking-type cases is not the only benefit to training personnel, a reduction of further victimization may occur when personnel understand the behavior and can hold offenders accountable (Villacampa



& Salat, 2019). Boehnlein et al. (2020) and Scott et al. (2014) pointed out that justice system personnel needed more education and training on stalking. When the judge participants were asked whether they had received training on stalking, only one of the six said they had but even that occurred when she was a prosecutor and not a judge.

I used systems theory as the theoretical framework for the study. This theory was chosen because it may be applied to organizations by analyzing how they react, adjust, and realign to changing conditions (see Katz & Kahn, 1966). Tousey et al. (2020) described the process explained in systems theory as beginning with systems receiving input from the environment. The goal of this study was to increase the understanding of the perceptions of judges, attorneys, and victim service professionals regarding stalking victimization, which may be considered systems receiving information from outside entities (i.e., input). Tousey et al. reported that the next step in systems theory was to process the input internally. I was able to do this by asking participants what treatment is available for perpetrators and victims of stalking, how to manage stalking offenders and hold them accountable, and how to best support victims of stalking (i.e., process). Lastly, Tousey et al. said to evaluate how to release what has been learned back into the environment. One overarching theme of the study was to train and educate justice system personnel and victim service professionals on stalking victimization (i.e., output). Systems theory allows for the opportunity to analyze system viewpoints and then develop them (Vanderstraeten, 2019).

### **Limitations of the Study**

Recognizing limitations may help the integrity of a study remain. Specifically, recognizing my own biases increased the trustworthiness of this study. APA (2020) explained that when conducting studies, researchers' biases should be considered. Researcher bias was one potential limitation of the study. Having worked in the criminal justice system for the past 7 years and having been an advocate for victims of stalking myself, researcher bias was something I had to manage during the study. I expected that my experience would contradict what others in the industry thought of stalking victimization. Researchers can present evidence contrary to the general perspective of the phenomenon (Creswell & Creswell, 2018). However, to my surprise, I found myself agreeing with the perceptions of most participants. What was thought to be a limitation, as mentioned in Chapter 1, turned out to be an asset. I worked to avoid confirmation bias, or the tendency to include preexisting ideas of a phenomenon, by actively listening and avoiding persuading participants one way or another. Reflexivity increased the study's reliability and validity.

Quantitative studies yield more straightforward tests that can be applied to both reliability and validity. A second potential limitation to this study was the fact that qualitative research is less robust than quantitative or mixed method research. Qualitative research is much smaller than quantitative research in regard to participants. The goal in qualitative research is to reach data saturation, which occurred in this study after interviewing six judges, six attorneys, and eight victim service professionals. Participants

discussed their lived experiences of stalking victimization and by doing so, their perceptions were better understood.

A third limitation to the study was that outside forces could have impacted the sample size. My initial goal was to interview between 15 and 24 people, and that goal was met by interviewing 20 participants. The COVID-19 pandemic impacted my ability to interview participants in person. To accommodate issues that the pandemic presented, other modes of interviewing were considered, including over Zoom and by telephone. In-person, one-on-one interviews took precedent over all other modes of interviewing, and I was able to conduct six interviews this way. Eleven interviews were held over Zoom, and three were done by telephone.

Boehnlein et al. (2020) noted that law enforcement, judges, prosecutors, and other criminal justice personnel need more education and training on the topic of stalking. Participants across all three job classifications agreed that training was lacking among justice system personnel and victim service professionals. A limitation previously mentioned in this study was that participants might be reticent to discuss their true perceptions of stalking victimization because of their unawareness of the behavior. Judges especially admitted their lack of training on stalking. One judge stated plainly, “We didn’t know what stalking meant.” I provided participants with the opportunity to expand on what was lacking in the justice system and victim services as it related to stalking victimization. By acknowledging that there were shortcomings, participants were more willing to talk about holes in the systems they had experienced. Specifically, participants mentioned there needed to be more training among personnel and the justice

system and victim service professionals needed to do a better job using the resources available to hold stalking offenders accountable while supporting victims throughout the process.

### **Recommendations**

I specifically asked participants in the study about future research recommendations on stalking perpetrators and/or stalking victimization. Both stranger stalking and cyberstalking were mentioned as areas less understood by practitioners and policy makers (see Boehnlein et al., 2020; Fissel, 2019). An attorney wanted more research on the breakdown of what type of stalking is exclusively cyberstalking and exclusively physical stalking or a combination thereof. Another attorney noted needing more information on what technical assistance is available to prove cyberstalking, specifically hacking. An advocate noted with new technology being created every day, research on cyberstalking should be fluid and increasing.

Participants were very interested in effective treatment measures for stalking perpetrators. One attorney noted he was unaware of what mental health issues impact stalking perpetrators. Another attorney wondered what therapies could be offered that may affect the stalking behavior. "Treatment or under treatment should be researched," noted another attorney. Victim service professionals agreed that there needed to be more research on mental health diagnoses for perpetrators. Smith et al. (2020) noted that programs specific to control and why stalking perpetrators must possess it would be an area to research in the future. Additionally, more information on the clinical predispositions of stalkers, narcissism, anxiety, rejection, and poor coping strategies was

suggested by practitioners (Jijdam-Jones et al., 2018). Yahya et al. (2020) mentioned the COVID-19 pandemic impacting the ability for perpetrators to access services, which compounds stalking. I recommend future research be conducted on effective treatment options for perpetrators as well as the COVID-19 pandemic and its impact on services for perpetrators and victims of stalking.

Although research is growing on stalking victimization, the criminal justice system's response to stalking victimization has been understudied (Brady et al., 2017). More research being needed on the impact of stalking was mentioned by Scott and Sheridan (2011). A victim service professional participant suggested that research be conducted on how the justice system can provide services to victims. An understanding of effective practices for improving victim engagement and safety is also needed (Backes et al., 2020). Brady and Nobles (2017) said there is a need to assess the criminal justice response to stalking by using alternative sources. A judge participant in the current study noted needing to understand how services can be provided by the justice system to victims of stalking while holding offenders accountable.

Effective training tools was another overarching theme that was mentioned by practitioners in the field and participants in the current study. Acquardo Maran and Varetto (2017) suggested that effective training course for justice system personnel and prevention courses for the general population are needed. One judge participant in the current study mentioned needing training on stalking, especially new types. Future research should be done to identify appropriate training tools and recommendations on how to best educate justice system personnel and victim service professionals. One judge

in the current study noted, “We need training. What does stalking even mean?” thus highlighting the importance of educating the judiciary but also that the education they receive should be systematic, overarching, and effective.

### **Implications**

Several participants said they were anxious to hear about the results of the study. This indicated a desire to learn more about perceptions judges, attorneys, and victim service professionals ascribed to stalking victimization. The results of the current study were shared with participants in the study, and I hope to find training opportunities to share the findings as well. Training was a major theme mentioned by participants, specifically that there is lack of education and training on stalking in the justice system and victim services field. Results of the study showed that wraparound services are necessary for accountability purposes for perpetrators of stalking and support services for victims. Understanding that not one thing is going to cure stalking or support victims was a revelation by participants and should be shared with the appropriate personnel. Positive social change may occur through these suggestions and can impact individuals, the justice system, victim services, society, and policy. Obtaining a better understanding of the perceptions and experiences of judges, attorneys, and victim service professionals allowed for the opportunity to discuss the risk stalkers pose to victims, that accountability for perpetrators and support services for victims should be holistic, and that training as well as using available resources is a must to increase services provided by the justice system and victim services.

## Conclusion

During the literature review, I found that there was a gap in judges', attorneys', and victim service personnel's perceptions of stalking victimization. Kinkaide et al. (2005) noted that understanding such perceptions may improve the response to stalking behavior. Both researchers and participants in the study noted the risk stalkers pose to their victims. Lynch et al. (2019) said because of the risk stalkers pose, professionals in the justice system and victim services should be competent in knowing how to assess victims' risk level. Thus, effective responses from the justice system and victim service professionals have the potential to save lives. The best comments to explain the importance of this study came from the participants themselves. One judge stated:

Thank you for doing the research. It really scares me when I see people treating these cases like every other case not realizing it's a conglomeration of a lot of things to get to the point where a stalking charge is being considered.

An advocate noted, "I think there is a lot of work to be done to figure out the best way that stalking perpetrators can get the help they need so that's not something they do anymore." Researchers and participants noted the lack of treatment options for stalkers, which is a future research recommendation. Two advocates noted the importance of starting with the victim and what they need/want to best support them. One stated:

I think centering and honoring what that survivor wants and what justice is to them is the best way to support them. Jail and fines don't necessarily benefit the victim, nor does it stop the stalking. I think listening to what they want in reference to the case is essential.

The other one noted:

I think the best way to improve victim services is to start by believing them. I think so many times you might have a survivor come in and it sounds super bizarre. That's their life and we need to make sure we are understanding them and giving them support. We need to really work with that person and believe them. We need to work with the survivor to figure out the best way to keep them safe from the stalking perpetrator.

Justice system personnel and victim service professionals need to work with survivors.

Not for them or against them. With them.

Chapter 5 included the interpretations of the findings. Limitations of the study and future researcher recommendations were also discussed. Lastly, implications for positive social change concluded the chapter.



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## Appendix A: Demographic Questions

1. Do you identify as male, female, or other? (Please list other or note non answer.)
2. How old are you?
3. What race do you identify as?
4. How many years of service have you worked as a judge, attorney, or victim service professional?
5. Have you taken part in any trainings specific to stalking victimization?
6. With your current or past employment, does your role or function allow you to work with stalking perpetrators or victims?

## Appendix B: Interview Questions

1. What has been your experience working with victims of stalking and/or perpetrators of stalking?
2. What negative stereotypes are commonly believed about stalking victims?
3. Do you find stalkers who pursue strangers or former intimate partners to pose the most risk to victims, why or why not?
4. What are the effects of physical stalking on victims?
5. What are the effects of cyberstalking on victims?
6. Regarding victims, what are the effects of cyberstalking versus physical stalking?
7. In your opinion, since the beginning of the COVID-19 pandemic, has cyberstalking become more prevalent than physical stalking? Explain your answer.
8. In your opinion, how has the COVID-19 pandemic impacted the incidents and prevalence of stalking victimization?
9. What treatment is available for stalking offenders in your community?
10. Of the treatment offered in your community for stalking offenders, which one/ones do you find to be the most effective?
11. What treatment is available for victims of stalking in your community?
12. Of the treatment offered in your community for stalking victims, which one/ones do you find to be the most effective?

13. Based on the role and job function you mentioned previously, which of the following strategies do you find to be most effective in holding stalking offenders accountable?

A. Judicial

- a. Prison Time
- b. Pre-Trial Services/Diversion Program
- c. Protection Order
- d. Probation/Parole
- e. Treatment
- f. Other Strategies (Explain strategy)

B. Prosecution

- a. Prison Time
- b. Pre-Trial Services/Diversion Program
- c. Protection Order
- d. Probation/Parole
- e. Treatment
- f. Other Strategies (Explain strategy)

C. Defense Attorney

- a. Prison Time
- b. Pre-Trial Services/Diversion Program
- c. Protection Order
- d. Probation/Parole

- e. Treatment
- f. Other Strategies (Explain strategy)

14. Based on the role and job function you mentioned previously, which of the following strategies do you find to be most effective when providing support to victims of stalking?

- A. Victim Service Professional
  - a. Safety Planning
  - b. Documenting the Behavior
  - c. Protection Order
  - d. Liaising Between the Victim and the Justice System
  - e. Treatment
  - f. Other Strategies (Explain strategy)

15. Do you believe the current strategies used to manage and monitor stalking perpetrators are effective? Please provide detailed content of your answer.

16. From the perspective of your role or function you mentioned previously, how could the justice system and/or victim services improve the way they interact with victims of stalking?

17. What suggestions do you have for future research on the topic of stalkers and/or stalking victimization?

18. Do you have anything else you would like to share that we have not already covered regarding stalkers and/or stalking victimization?