

CYBER-STALKING: OBSESSIONAL PURSUIT AND THE DIGITAL CRIMINAL

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Though the legal recognition of stalking is a recent evolution, the behaviour that is involved is by no means a product of the 20th century. It is known though that criminal behaviour is incredibly adaptive to new technologies, with credit card, mobile phone and computer fraud as examples. It is also acknowledged that stalking has now taken an on-line form, colloquially referred to as cyber-stalking.

As the personal computer and the Internet bring the world into our homes, they provide access to a vast amount of information, and provide forums for individuals from all over the world to meet one another in a relatively anonymous environment. One example of these forums is the chat room where people from hundreds of countries may gather and meet, trade information and files, and chat about a range of topics from music to sex. Though this has bred a large number of international relationships, most of which prove harmless, it does present the possibility that one's on-line personality may become the target of unwanted attention.

Cyberstalking, which is simply an extension of the physical form of stalking, is where the electronic mediums such as the Internet are used to pursue, harass or contact another in an unsolicited fashion. Most often, given the vast distances that the Internet spans, this behaviour will never manifest itself in the physical sense but this does not mean that the pursuit is any less distressing. There are a wide variety of means by which individuals

may seek out and harass individuals even though they may not share the same geographic borders, and this may present a range of physical, emotional, and psychological consequences to the victim.

It is the purpose of this paper to examine the wider phenomenon of stalking and to cover issues relating to legal and behavioural classifications, and to examine the incidence and prevalence of stalking. Some of the measures that may be employed by individuals in protecting their on-line identity will also be addressed.

legal Classifications

Though the behaviour widely identified as stalking has existed for centuries, the legal system has only codified its presence in the statutes in recent decades. As a result, cyberstalking could truly be identified as a crime of the nineties owing to its reliance on computer and communications technology which have only reached maturity in the past decade.

It is difficult to find literature relating specifically to cyberstalking, and according to Eoghan Casey (1999), a computer crimes expert, incidences involving a purely electronic medium are rare. The on-line behaviour we are now witnessing is most accurately described as an extension of 'traditional' stalking that utilises a high-tech modus operandi (method of operation). Owing to this, one should consult the general literature relating to stalking for information on this adaptation of the criminal act.

In legal terms, the manifestation of this misconduct is most likely to be charged as per the statutes in place in the respective jurisdictions. In the United States, California was the first state to adopt stalking laws, most often identified as a result of the murder of actress Rebecca Schaeffer by Robert Bardo in 1989. Legislation was subsequently passed in 1990, and the nation's first anti-stalking law was passed (Zona, Palarea & Lane, 1998; Coleman, 1997; National Victim Centre, 1998b). New York enacted Penal Code 240.25 in 1992, which was amended in 1994 (National Victim Centre, 1998a).

Australian states to enact stalking legislation around the same time include Queensland with Section 359A of the Criminal Code prohibiting Unlawful Stalking in 1993. Victoria however, was the first Australian state to judiciously guard against this conduct in 1958, with Section 21A of the Crimes Act in 1958 (Victims of Crime, 1998).

Irrespective of the jurisdiction, there are several key criteria for conduct to be considered stalking. Many states include a provision whereby the behaviour must occur on two or more occasions before the criteria are satisfied. In other states, a single occurrence is sufficient (Queensland is one such state where the frequency of conduct has since been amended). Several US states (Delaware, Wisconsin, and Oklahoma) allow for the consideration of harsher penalties where repeat offences relate specifically to prior incidences of stalking (Cullen-Anderson, 1993).

Given the ability of individuals to 'mask' their identity when using the Internet, linking the harassment to one particular individual may prove difficult, providing law enforcement with a challenge if prosecution should become an option. Programs that mask ones IP (Internet Protocol) address and anonymous remailers are merely two examples that hinder the identification of the digital location from which communications originate. This is important when considering that many statutes require that the threat be real. Lisa Rosier, of the Queensland Police Service who was trained by the Los Angeles Police Department states: "If a person is making these threats from the US, then there is little chance that the threat can be carried out" (The Australian, 1998). Rosier also points out that the psychological torment may still be very real, even in the absence of a distinct physical threat. One of the things that investigators may have in their favour is that such 'pure' cyberstalking, that which occurs entirely on the Internet, is rare (Casey, 1999) and as such will cross the virtual and extend into the physical.

There is a definite gap between the legal statutes and the electronic world. Of the US states that have anti-stalking laws, only seven contain language that deal with stalking by computer (Jenson, 1996; Meloy, 1998). Examples of the differences in behaviour between the physical and virtual realm include hand delivering a letter (be it threat or otherwise) and e-mailing it to the victim. Other on-line examples may be e-mail bombs, threatening, degrading or demeaning communications, and assuming your on-line persona in places you frequent, such as chat rooms, for the purpose of posting personal details about you or your life. One such case in which the latter was a problem will be covered in the coming sections.

While it is important to consider legal issues relating to stalking, they often fail to take into account the behavioural diversity evidenced in the act. For the investigator or

concerned net-user, information relating to the behaviour often exhibited by a stalker will be important, as this may provide insight into possible motivations behind the offender. The next section will provide such explanations of stalking, from a motivational point of view, in the form of stalking typologies. A typology is broadly defined as the clustering together of individuals based upon shared characteristics. A summary shall also cover topical issues relating to the etiology, or causes of stalking.

Stalking Typologies and Pathologies

According to forensic scientist and criminal profiler, Brent Turvey (1998), most typologies fail to take into account the motivational dynamics between offenders. These dynamics vary in range with stalking, and differ in a number of ways. For this reason, typologies are best employed to provide investigators with an initial picture of the offender, and are not intended to be used as definitive proof of an offender's characteristics. Common distinctions within the typologies include those with a prior relationship with the victim, those without a prior relationship, and those motivated by a disorder referred to as erotomania.

Zona, Pallarea & Lane (1998) believe that stalking occurs when an individual's behaviour is related to a cognition (a thought). To possess the cognition is not enough, as it must be related to a behaviour to fulfil legal requirements. Many statutes require that there must be conduct to be prohibited.

Vernon Geberth, a retired homicide commander and author of Practical Homicide Investigation (1996) provides two broad categories of stalkers. These are Psychopathic Personality Stalkers and Psychotic Personality Stalkers. The following table outlines some of the characteristics of each:

Psychopathic Personality Stalker

Psychotic Personality Stalker

Generally male

May be male or female

Absence of mental disorder

Delusions or delusional fixation

Targets familiar victims

Usually targets stranger

Harassment may be anonymous

Attempt to contact the victim

Usually some precipitating stressor

Absence of precipitating stressor

This is a somewhat general and broad classification system on which to examine stalking. The latter category usually implies the presence of some mental disorder, and the individual may not or may not be aware of his actions.

Zona, Pallarea & Lane (1998) and Zona, Sharma & Lane (1993) provide a more comprehensive interpersonal typology based on the relationship between the victim and offender. In studies with the Los Angeles Police Department's Threat Management Unit, Zona and colleagues (1993; 1998) initially categorised stalkers according to three basic categories. The later discovery of a fourth covered those instances where the individual claims that someone is stalking them in order to assume the role of the victim. The results of the above studies indicate the following classifications:

Simple Obsessional: These cases typically involve a victim and a perpetrator who have a prior relationship. This group comprises the largest of the categories (47 percent (Geberth, 1992)), and also poses most threat to the victim. The motivation behind this may be coercion to re-enter a relationship, or revenge aimed at making the life of the former intimate uncomfortable through the inducement of fear.

Love Obsessional: Most likely involving no prior relationship. The victims may become known through the media, or perhaps through the Internet. Love obsessional stalkers comprise the second largest group of approximately 43% (Geberth, 1992). A large number of these individuals may be suffering from a mental disorder such as schizophrenia or bipolar disorder. The most common type is the individual who pursues a celebrity, which may be more familiar as the "obsessed fan syndrome".

Erotomaniac: These cases differ from Love Obsessional in that they possess the

delusion that the target of the behaviour is in love with them (lowest incidence in the Zona and Threat Management Unit study (Geberth, 1992). Research would indicate that perpetrators are more likely to be female, with the majority of victims being older males of higher social status. Further broken into two categories of primary (or pure) erotomania where no other significant disorders are present, and secondary erotomania where the disorder is the result of another significant, dominant pathology.

False Victimisation Syndrome: This group accuses another person, either real or imaginary of stalking (Hickey, 1997) to foster sympathy and support from those around them. The majority of the perpetrators seem to be female (adapted from Zona and others; Mullen and Pathe, 1994; Mullen, 1997).

In erotomaniac stalking, the "central theme of an erotic delusion is that one is loved by another" (American Psychiatric Association, 1994: p. 297). It would seem that erotomania occupies the dominant position within the psychological and psychiatric literature, even though this disorder appears to occur within the minority of cases, as will be discussed. Meloy (1998) states that "stalking research was born from the psychiatric study of erotomania and the psychological study of sexual harassment" (p. 79), which could possibly explain why this literature still dominates. A typology similar to that of Zona and colleagues has been developed by Wright, Burgess, Laszlo, McCrary & Douglas (1996), a group that includes several retired FBI officers. In the development of their system, they studied 30 case reviews and based their assessment on many variables including delusions, motive, outcome, and risk level of the victim. Their results would indicate two broad divisions: Non-Domestic Stalkers (with the subtypes of Organised and Delusional) and the Domestic Stalker. This system closely resembles that devised by Zona and colleagues in their categories of Love Obsessional, Erotomaniac, and Simple Obsessional respectively.

It would appear that stalking may be a result of other clinical problems, and Burt, Sulkowicz & Wolfrage (1997) present the case of a 23-year-old single female with Obsessive Compulsive Disorder who began obsessively pursuing a male friend on the Internet as a result of the disorder. The following excerpt outlines the pursuit:

"She had been spending approximately 8 hours per day monitoring his communication with another woman and was unable to control her compulsions, despite recognising this behaviour as abnormal...She found that he logged on at the same hour every day, and assumed he was having a scheduled appointment with an on-line partner...Discovering that this was a woman increased her anxiety, yet the act of monitoring reduced her symptoms...The patient then proceeded to find out other information about the woman, secured the phone numbers of her parents and called them in disguise" (p. 172).

It should be noted that this is only one case, and caution should be employed before any generalisations are made. The above case does, however, provide an interesting possibility as to the emergence of stalking behaviour in this particular individual.

It is important to note that stalking, exactly like any other crime, behaviour, or clinical disorder exists on a continuum of severity. The stalking may be so subtle that the victim may not even know that it is happening, or the perpetrator may have a genuine belief that "if they would just get to know me, they would like me", with no malicious intent desired. Many cases of stalking do not even rise to extreme levels of violence or harassment (Meloy, 1998). The severity of any act must be assessed on an individual basis, and a careful assessment made as to the likelihood that any activity would pass beyond a non-criminal threshold.

Incidence and Prevalence

Cyberstalking, much like any other crime, is hard to assess in terms of its incidence and prevalence within any given population. The reasons for this are many and varied, though include the fact that the victim may not consider the behaviour to be dangerous, they may not know they are being stalked or they may believe that little can be done about the problem.

One of the ways that estimates are derived is through the examination of the disorder in clinical populations, though this too is inexact because the perpetrator may never present for clinical treatment. Often, estimates of the incidence of stalking in the general population are simple extrapolations of these clinical populations.

While the majority of stalking literature does focus on erotomania as the most prolific type, there is little support for this stalker type as the most prevalent (Harmon, Rosner & Owens, 1995).

In the chapter deClerembault On-line: A Survey of Erotomania and Stalking from the Old World to the World Wide Web, Lloyd-Goldstein (1998), the author cites that only 20% of male cases in the original reports of deClerembault (who the disorder is often named after), and 20 - 30% of male cases in Segal's 1989/1990 estimates were erotomaniac. Only six of the 48 cases of Harmon, Rosner & Owens (1995) study were confirmed as

suffering from primary erotomania, with a minimal finding (10%) of the non-forensic cohort in Zona, Sharma & Lane (1993) being classified as primary erotomanics.

Goode (1995) illustrates "the standard psychiatric typology accepts erotomania as a delusional disorder but...by no means are all stalkers erotomanics" (p. 30), with Mullen (1997) stating that "the prevalence of erotomaniac syndromes, both pure and clearly symptomatic, is unknown" (p. 10). Not all of those with an erotomaniac condition will present for treatment, perhaps doing so only if referred by a doctor, or upon receiving an order from an agent of the criminal justice system.

It has been estimated that approximately 20,000 Americans are being stalked at the moment (D'Amico, 1997), with somewhat more liberal estimates ranging as high as 200,000 (Jenson, 1996). Australian data from the Bureau of Statistics suggests that in 1997 more than 165,000 women over the age of 18 were stalked (Lancaster, 1998). Further estimates suggest that as many as one in 20 adults will be stalked in their lifetime and that up to 200,000 exhibit a stalkers traits (Tharp, 1992). Evidence collected by the Los Angeles District Attorney's office suggests that of the 600 cases reviewed, roughly 20 % of them involved some form of electronic communication (L.A. Times, Saturday 23rd of January, 1999). Given the latter finding, there is sufficient evidence to warrant that electronic mediums are in fact providing the stalker with new avenues for the deliverance of their threat.

The Centre for Disease Control conducted an extensive telephone survey, funded by the National Institute of Justice, of 8000 men and 8000 women inquiring about their experiences with stalking. Their results indicate that approximately 8% of [US] women and 2% of [US] men have been stalked at some time in their life. Also, that an estimated 1 million females and 0.4 million males are stalked in the US annually (Tjaden & Thoennes, 1997). Results of similar studies would suggest that the majority of stalking cases are heterosexual in nature, with less than 1% of these crimes occurring between homosexual persons. Meloy & Gothard (1995) found similar results among their study of forensic populations, with approximately 90% male perpetrators with female victims.

In 1987, Harmon and colleagues found that referrals to a court clinic were in the 0.6% range, while they rose to 1.7% in 1993. We must be cautious when interpreting these figures however, as they may not necessarily reflect a rise in the incidence of stalking cases, rather, they may indicate legal codification of the act, an increase in the awareness of the act (which could subsequently lead to a rise in reporting), or decreased public tolerance.

The study of the demographics of stalking perpetrators provides some interesting information. For instance, stalkers are generally of a more mature age than other clinical and offender populations (Meloy, 1998; Harmon, Rosner & Owens, 1995; Mullen & Pathe, 1994; Zona, Sharma & Lane, 1993). Stalkers have usually attained a greater educational achievement than other types of offenders (Lloyd-Goldstein, 1998; Meloy, 1996) with 42% having finished some high school, 22% graduating high school, and 6% having graduated college (taken from the Harmon, Rosner & Owens, 1995 study). Ethnicity in this clinical population would appear to be predominantly non-white (52% black, 25% hispanic, 9% unknown, and 0.4% oriental). Lloyd Goldstein (1998) states that perhaps as many as 10 % of stalking cases involve perpetrators who are foreign born, perhaps indicating that immigration is a risk factor in some stalking scenarios (Meloy, 1998).

Cyberstalking -- A Case Study

To appreciate the possible breadth of this problem, we must realise that the Internet reaches into literally millions of homes, in hundreds of countries. The same networks as those used for the transmission of information, business transactions, banking and gaming also provide a virtual backdrop from which individuals may conduct electronic crimes of varying natures. The nature and extent of cyberstalking is perhaps more difficult to assess than its terrestrial cousin, given the anonymity and breath of electronic communications.

While the differences between the two forms of stalking must be acknowledged, it is most important to acknowledge that cyberstalking is fundamentally an extension of the physical act. Casey (1999) cautions: "the overarching message here is that we should concentrate on the details, the uniqueness and complexity of a case rather than get caught up on typologies, terminology or the fact that we are dealing with a different medium". The diversity of the problem will only truly be known once a larger number of cases are presented to both researchers and the criminal justice system for examination.

One could not be blamed for assuming that to become the victim of such behaviour, that access to a personal computer and the Internet would be a requisite. The following example though, illustrates how these two tools are not a requirement, and the inability to access either technology does not necessarily protect one from the reaches of the Cyberstalker. It also illustrates rather well how the stalker would transverse both the physical and the virtual realms.

The victim met the perpetrator at church, and continually rejected his romantic attempts. The perpetrator, a fifty-year-old security guard, retaliated to her rejection by posting her personal details to the Internet. These included her physical description, address and telephone number, and even including details about how one could bypass her home security system. He also posted false rape and "gang-bang" fantasies to on-line forums. On approximately half a dozen occasions, men arrived at the victim's home in the hope of "cashing in" on these supposed fantasies. As the victim posted messages to her door stating these requests were false, the perpetrator posted messages on-line stating that these were simply tests to determine who was in fact 'worthy' of her fantasies.

The victim's mother states that she had men coming to her door at all hours of the night, and that "she got dozens of calls by men who would leave filthy, disgusting messages". The victim was eventually forced from her home, suffered from weight loss, lost her job, and developed a fear of going outside of her home (from the L.A. Times, Friday the 22nd of January, 1999 and Saturday the 23rd of January, 1999).

The subsequent effects of this behaviour on the victim include distinct psychological impairments and behaviour change that brought about the loss of the victim's home and job. While the offender may never have intended for the victim to come to physical harm, the presence of the threat was always real, and the possibility that this harm came through a third party was ever present. Despite issues relating to her personal safety, the psychological effects of this harassment are unmistakable.

Risk Management

This chapter will centre largely on the measures that may be employed by the individual in the hope of reducing the threat posed by an individual who may choose to pursue or harass them. The following will cover some simple tactics that may be employed to help keep one's identity safe, as well as providing some guidance should individuals ever find themselves the target of unwanted attention.

E-Mail Address: You should create a gender neutral e-mail address. Given that females comprise the majority of victims of stalkers, the user should attempt to keep her/his e-mail address as neutral as possible. Provocative e-mail addresses such as Sex_Kitten@ should be avoided as they often attract a lot of attention.

Profile: If using chat rooms or other similar forums, the software generally provides the ability to edit your profile. Remove any information of a personal nature, as this makes it more difficult for others to gather information about you. It allows for greater control over the amount of information that you want to provide, such as when and how, and to whom.

Signature: Your e-mail software will often allow you to attach a signature to your mail. Remember, when you allocate a signature it may be attached to all of your outgoing mail. This may provide others with information about you that you would prefer not to be distributed.

Headers: When e-mail is sent, the header contains information that may include identifying features such as name and e-mail address. This information is often sent without the users awareness, and a browse through the options of your mail software should allow you to turn this off.

Newsgroups: Depending on the newsgroups you use, posting messages to them may be a way that you can attract unwanted attention. If it is necessary to post a message to a newsgroup, try using a third party e-mail site such as Yahoo or Hotmail, or perhaps send messages through an anonymous e-mailer. The latter service sends your mail after stripping all of the identifying information about the original sender (adapted from Casey, 1998 and Grossman, 1998).

While the above measures will not provide absolute anonymity for the user, they will hopefully hinder the process of identifying the user should anyone show an unhealthy interest in that person. The philosophy behind these measures is basically that prevention is better than cure.

It is very important that should you become the target of a stalker's attention, that any and all communication is documented. E-mails should be printed and copied to disk, phone calls should be logged for time and date, and written communication should be kept for future reference. Meloy (1997) provides the following recommendations if one becomes the victim of a stalker.

Team approach: Owing to the diversity of stalker types, the motivational origins and dynamics that exist between individual cases requires that any investigating team be made up of individuals from a variety of backgrounds. A team approach is the best way to approach this, and ideally should include "the victim, an emotionally-supportive companion, a mental health professional, a local police officer familiar with the case, a local prosecutor and, in some cases, a private attorney and private investigator/security guard" (p. 175). The team approach will provide the best possible coverage of issues relating to the stalking threat and risk management. The team developed will obviously differ depending on the jurisdiction in which the offence occurs.

Personal safety: Regardless of any involvement by the police or legal system, the individual should be made aware that one still has primary responsibility for one's own safety. To take control of certain aspects of the situation helps one to maintain a feeling of control over what may otherwise foster feelings of helplessness.

Documentation and recording: Depending on the specific behaviours evidenced within a stalking act, often the only record of fact may be the documentation and enumeration of any and all incidences. Ideally, records should be kept of the time, day, and date, and also of the specifics of the particular act. If the behaviour does manifest itself physically, records should be kept of handwriting, license plate numbers, dress, time of day, and if available, return numbers from caller ID units.

No initiated contact: While refraining from contact with the stalker may be difficult, especially in cases where the offender is a former intimate, this should be avoided at all costs. By initiating contact, the victim may be unwittingly reinforcing the behaviour of the offender in that "each victim contact with the perpetrator is an intermittent reinforcement and predicts an increase in frequency of subsequent approach behaviour" (p. 177). Westrup (1998) provides a functional analysis of stalking from a functional analysis perspective of the stalker's behaviour. Interested readers should consult this reference for further information.

Protective orders: These orders do protect the victim in certain cases. Restraining orders possibly exert the greatest influence over the offender's behaviour when they have a stake in conformity. In certain situations, these orders may only serve to inflame the situation, as in the following extreme situation:

"One offender quite graphically indicated his contempt for both the order of protection

and the criminal justice system. He stabbed his wife to death and knifed the court order to her chest" (Geberth, 1992: p. 138)

Law enforcement and prosecution: The Los Angeles Police Department's Threat Management Unit is just one example of the law enforcement response to stalking. Specific units such as this are better equipped and prepared to handle individual cases, as they are manned by experts in the field.

Periodic Violence Assessment: While violence prediction is often poor at predicting the threat posed to one individual by another (Turvey, 1997; Litwack and Schlesinger, 1997; Adair, 1993; Quinsey and Maguire, 1986) any such assessment will provide a greater chance of success at detecting deviation from socially acceptable behaviour.

Conclusion

Stalking as a behaviour is characterised by a different constellation of behaviours, with a great degree of variance between individual cases. Cyber-stalking, is one of the latest variants. In these scenarios, the stalker will utilise electronic mediums such as the Internet to pursue, harass, and intimidate another. The individuals may have had some prior relationship, and this group does, in fact, comprise the largest category of stalkers, though there are almost the same number of cases in which the offender and victim have had no prior contact.

Jurisdictions across the globe are now beginning to take legal action against stalking behaviour, recognising it as a public problem which merits attention. The effects of stalking upon an individual may include behavioural, psychological and social aspects. Specific risks to the victim include a loss of personal safety, the loss of a job, sleeplessness, and a change in work or social habits. These effects have the potential to produce a large drain on both criminal justice resources and the health care system, and it is therefore in the best interests of the authorities to take swift action when cases are presented to them.

While the reader should not curtail on-line activities because of the threat posed by the Cyberstalker, a little bit of caution will help to keep the identity of the user as anonymous

as possible. Should one become the target of unwanted attention, one should seek the help of authorities as soon as is possible, documenting all occurrences.

While the behaviour of stalking is not new, its recognition in legal and academic circles is still in its infancy. Only through the continued study of the problem will we be better equipped to deal with particular cases once they are presented. Through the continued study and exposure of stalking (and by extension, Cyberstalking), will investigators and clinicians be better prepared to deal with its consequences and effects.