

**STALKING:
CRIMINAL JUSTICE RESPONSES IN AUSTRALIA**

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Abstract

Stalking was first legislated against in Australia in the mid-1990s. While much previous research has investigated the psychological characteristics of offenders, and the impact of stalking upon victims, relatively little research has examined police and court practices in “dealing with” this “new” crime.

This paper examines current stalking legislation, police and court data within the Australian context. While the data can only be considered as indicative, rather than explanatory, the trends outlined suggest important differences in the treatment of stalking across Australian jurisdictions. Potential explanations for these differences are provided, and suggestions for future research are outlined.

Introduction

As a concept stalking possesses sinister and threatening connotations. It implies being hunted and harassed, whilst powerless and unable to stop a relentless and threatening pursuit.

Despite these connotations stalking, as a discrete concept, is a surprisingly recent phenomenon, relatively unknown until the final stages of the 20th century. While practices that might be said to constitute stalking have been documented since the early 19th century, these were never officially designated as criminal, or even seen as constituting a particular category of social behaviour (Mullen, Pathé and Purcell, 2000).

Part of the reason for this very late recognition of stalking as a phenomenon in its own right is the difficulty entailed in defining exactly what constitutes stalking. Stalking has proved (and continues to prove) to be remarkably resistant to definitions which can be utilised in a legal sense as well as convey the range of connotations the term stalking has come to be imbued with. Indeed, stalking as a crime is an inherently difficult concept to define due to its paradoxical status as simultaneously being an exemplar of conformity and criminality. In cases of stalking, the behaviour causing concern is often not so much a breach of the normative conventions as an undue *amplification* or emphasising of normative conformity.

However, one of the central features of “criminal” stalking is that it involves “repeated pursuit”. Persistent pursuit is of course also a central feature of “true love”. There is a vast cultural heritage (at least within Western culture) that legitimates persistent pursuit as “proof” that the love is real and therefore will ultimately be rewarded with reciprocation. Defining when behaviour is criminal, as opposed to when behaviour is conformist, is thus a central difficulty in academic, legislative and community attempts to define stalking (Emerson, Ferris and Gardner, 1998).

It should not be surprising then that legislation attempting to define stalking has been reasonably problematic.

Legislation

All Australian jurisdictions currently have stalking legislation, however, the legislation differs across the states. In comparison to other nations, Australia’s legislation is quite stringently defined, focusing upon the extreme examples of stalking behaviours, and relying upon predominantly subjective understandings of offenders needing to intend to cause harm (*see* Sheridan and Davies, 2000).

TABLE 1: LEGISLATIVE DEFINITIONS OF STALKING

<p>Australian Capital Territory Stalking is defined as acts engaged in on at least two separate occasions, which could be expected to arouse the other persons apprehension or fear. The offender must intend to cause apprehension or fear of serious harm or serious harm and the penalty is up to two years imprisonment unless the behaviour involves possession of an offensive weapon or contravenes a court order (then it is up to 5 years imprisonment) (Crimes Act 1900 s34A).</p>
<p>Northern Territory Stalking is defined as acts engaged in on at least two separate occasions, which could be reasonably expected to arouse the other persons apprehension or fear. The offender must intend to cause physical or mental harm or apprehension or fear and the penalty is up to two years imprisonment unless behaviour also involves possession of an offensive weapon or contravenes a court order (then it is up to 5 years imprisonment) (Criminal Code s189).</p>
<p>New South Wales Stalking is defined as acts engaged in which amount to intimidation within the context of a domestic relationship. The offender must intend to cause person to fear personal injury to either themselves or another person in that domestic relationship. The penalty is up to two years imprisonment or a fine of \$5 000 (Crimes Act 1900 s562AB).</p>
<p>Queensland Stalking is defined as concerning acts engaged in on at least two separate occasions. The victim must be aware of being stalked and the offender must intend for the victim to be aware. The penalty is up to three years imprisonment unless behaviour also involves possession of an offensive weapon or contravenes a court order (then it is up to 5 years imprisonment). Industrial, political or public disputes undertaken in the public interest are excepted from stalking legislation. (Criminal Code Act s359A).</p>
<p>South Australia Stalking is defined as acts engaged in on at least two separate occasions, which could be reasonably expected to arouse the other persons <i>serious</i> apprehension or fear. The offender must intend to cause <i>serious</i> physical or mental harm or <i>serious</i> apprehension or fear and the penalty is up to three years imprisonment, unless behaviour also involves possession of an offensive weapon or contravenes a court order (then it is up to 5 years imprisonment). Exceptions include that persons acquitted or charged of an offence other than stalking – may not be convicted of stalking if the charge arises out of the same set of circumstances (Criminal Law Consolidation Act 1935 s19AA).</p>
<p>Tasmania Stalking is defined as acts engaged in which could be reasonably expected to arouse the other persons apprehension, or fear of physical or mental harm. The offender must intend to cause apprehension, fear or physical or mental harm or have known that their acts would create fear and apprehension. The penalty is up to 21 years imprisonment, however, it is not an offence if behaviour is engaged in when performing his or her official duties for the purposes of (a) the enforcement of the criminal law; or (b) the administration of an Act; or (c) the enforcement of a law imposing a pecuniary penalty; or (d) the execution of a warrant; or (e) the protection of the public revenue. (Criminal Code Act 1924 s192).</p>
<p>Victoria Stalking is defined as engaging in a course of conduct with the intention to cause physical or mental harm, apprehension or fear. The offender must intend to cause apprehension, fear or physical or mental harm and the conduct must have the result intended by the offender. The penalty is up to 10 years imprisonment, however, it is not an offence if behaviour is engaged in when performing official duties relating to enforcing the law, the administration of an Act, the execution of a warrant or the protection of public revenue (Crimes Act 1958 s21A)</p>
<p>Western Australia Stalking involves the prevention or hindering of another persons lawful actions, compelling a person to commit an act that they are lawfully entitled to abstain from or causing physical or mental harm, apprehension or fear in a person. The offender must have intent to intimidate or the act does in fact intimidate. In the Court of Summary Jurisdictions, the penalty is up to eighteen months imprisonment or a \$6 000 fine. In the higher court the penalty is up to three years, unless behaviour also involves possession of an offensive weapon or contravenes a court order then up to 8 years. Exceptions to stalking prosecution involve if the accused acted with lawful authority or reasonable excuse (Criminal Code Compilation Act 1913 s338D and s338E).</p>

While others have discussed the intricacies of Australian stalking legislation in far more detail, it is important to briefly note that the manner in which the jurisdictions differ in terms of stalking legislation is primarily in relation to intent. The issue of “intent” is critical in understanding stalking legislation. A subjective test of intent (where the offender *intended* to cause apprehension and fear), while consistent with many criminal offences, is at odds with the offence of stalking because stalking so often represents an attempt to either *initiate* or *maintain* a relationship. Most stalking legislation however makes successful prosecution contingent upon proving that some form of pursuit intended to cause fear and apprehension and this will obviously impact upon police and court practices.

Methodology

Data on police and court practices in charging, clearing and prosecuting stalking have been accessed via the different jurisdictions’ police and courts statistical bodies. Two issues need to be outlined before analysing the data. Firstly, the number of stalking cases reported to police is essentially a function of the responses of victims to various forms of pursuit. Police statistics are thus not necessarily representative of the “real” dimensions of stalking-type behaviours. Victims may not report episodes of stalking for a variety of reasons. Indeed, victim responses to stalking behaviours range from ignoring the incidents, to obtaining restraining orders against them.

Notwithstanding this, it would appear that a reasonable percentage of victims do in fact report stalking episodes to the police.

Secondly, before examining in more detail the numbers of stalking incidents recorded by police and courts, it is important first to clarify the difficulties involved in comparing data from different jurisdictions. It is crucial to note that the following data are not being presented as a “clean” comparative analysis of Australian states and territories. Given the variety of different ways in which different jurisdictions count different offences, there is no methodologically sound manner in which different police data can be unproblematically compared.

Analysis

However, even with these two quite substantive limitations, it is still possible to examine the general *trends* indicated *within* each jurisdiction as documented by each of the states’ particular counting strategy.

Table 2 demonstrates that in 1999, South Australia has the highest rate of stalking reported at 27.9 (per 100 000). Queensland follows South Australia at 23.8 and Victoria follows Queensland at 22.5. Interestingly the Northern Territory follows with 12.7 (per 100 000) stalking incidents reported to the police in 1999, followed by Western Australia, Tasmania and the Australian Capital Territory at 9.5, 1.1 and 0.9 respectively.

TABLE 2: RATES OF STALKING REPORTED TO POLICE (PER 100 000– 18 YRS AND ABOVE)* **

	1993	1994	1995	1996	1997	1998	1999
Victoria	<i>na</i>	<i>na</i>	1.8	11.2	19.9	27.2	22.5
Queensland	0.7	22.3	22.4	21.4	26.9	23.5	23.8
South Australia	<i>na</i>	12.6	19.7	25.1	28.5	29.5	27.9
Northern Territory	<i>na</i>	10.2	15.7	8.8	9.3	11.5	12.7
Western Australia	<i>na</i>	<i>na</i>	<i>na</i>	10.1	8.0	10.5	9.5
Tasmania	<i>na</i>	<i>na</i>	<i>na</i>	3.2	1.1	4.3	1.1
Australian National Territory	<i>na</i>	<i>na</i>	<i>na</i>	0.9	7.9	3.9	0.9

* WA and VIC are collected for the financial year and have been calculated for the year up – ie 1995/96 = 1996.

** It is critical to remember that due to different counting mechanisms these rates cannot be directly compared across jurisdictions. They are presented in the one table for reasons of *convenience*, rather than *comparability*.

Source:

Victorian Police: unpublished statistics

Queensland Police Statistical Services: unpublished statistics

South Australia, Office of Crime Statistics: unpublished statistics

Northern Territory Police: unpublished statistics

Western Australian Police: unpublished statistics

Tasmanian Police: unpublished statistics

Australian Federal Police: unpublished statistics

Unfortunately, rates of reported episodes are not necessarily representative of stalking incidents deemed appropriate for prosecution. For these figures, we need to look at the clearance rates. It can be seen that clearance rates for stalking are reasonably constant (Table 3). Victoria and Western Australia have the highest clearance rates, at 76 and 71 percent respectively. Tasmania and the Northern Territory have the lowest rates at 48 and 35 percent respectively.

TABLE 3: CLEARANCE AS A PERCENTAGE OF REPORTED OFFENCES* **

	VIC	WA		QLD	SA	TAS	NT	ACT
	%	%		%	%	%	%	%
<i>na</i>	<i>na</i>	<i>na</i>	1993	6	<i>na</i>	<i>na</i>	<i>na</i>	<i>na</i>
<i>na</i>	<i>na</i>	<i>na</i>	1994	50	63	<i>na</i>	75	<i>na</i>
1994/95	92	<i>na</i>	1995	38	57	<i>na</i>	47	50
1995/96	69	76	1996	47	56	82	36	83
1996/97	67	70	1997	45	61	25	75	56
1997/98	78	66	1998	51	61	60	40	33
1998/99	74	71	1999	57	59	25	35	<i>na</i>

* Given that the cases may not be cleared in the same year that they are reported – you may get discrepancies such as that observed in 1996

** As with the earlier table, it is critical to remember that due to different counting mechanisms these percentages cannot be directly compared across jurisdictions. They are presented in the one table for reasons of *convenience*, rather than *comparability*.

Source:

Victorian Police: unpublished statistics

Queensland Police Statistical Services: unpublished statistics

South Australia, Office of Crime Statistics: unpublished statistics

Northern Territory Police: unpublished statistics

Western Australian Police: unpublished statistics

Tasmanian Police: unpublished statistics

Australian Federal Police: unpublished statistics

Of course, not all cases that are cleared necessarily proceed to prosecution. While the data is not available from all states, we can check across four jurisdictions, South Australia, Queensland, Tasmania and the Northern Territory, in order to better determine the numbers of cases cleared which result in dismissals. As can be seen in Table 4, these numbers are perhaps surprisingly quite low.

TABLE 4: CASES CLEARED (C) RESULTING IN UNFOUNDED (U) JUDGEMENTS*

	SA		QLD		TAS		NT	
	C	U	C	U	C	U	C	U
1993	na	na	1	0	na	na	na	na
1994	87	26	263	22	na	na	9	2
1995	124	24	202	60	na	na	9	4
1996	157	31	250	294	9	0	4	0
1997	196	39	302	159	1	0	9	5
1998	204	54	308	248	9	4	6	3
1999	188	39	354	183	1	0	6	5

*As with Table 6.2 - given that cases may be designated as cleared and unfounded in different years to which they are reported – you may get discrepancies such as that observed in 1996.

SA: Unfounded (includes dismissed at victim request/ other)

TAS: Unfounded (includes investigation unable to proceed)

NT: Unfounded (includes no offence as reported, no further action, no complaint forthcoming)

Source: Statistical Services, Queensland Police: unpublished statistics

South Australia Office of Crime Statistics: unpublished statistics

Northern Territory Police: unpublished statistics

Tasmanian Police: unpublished statistics

Given that the percentage of those cleared involves relatively few cases cleared through dismissal, this should have a significant impact upon court procedures. Of those that make it to the courts however, the differences between proceeding to sentencing vs being dismissed are greater, and the patterns observed are not consistent across the states.

The differences in levels of dismissal and proven offences differs quite markedly between the states. Victoria has the highest percentage of proven offences over dismissed, with an average of 85 percent. At the other end of the spectrum, the Australian Capital Territory has the highest percentage of dismissed rather than proved, with an average of 82 percent dismissed (Table 5).

TABLE 5: PERCENTAGE (OF TOTAL) OF THOSE PROVEN/DISMISSED

%	QLD		SA		%	VIC		NT		NSW		ACT	
	P	D	P	D		P	D	P	D	P	D	P	D
1994/95	70	30	na	na	1994	na	na	100	0	47	53	na	na
1995/96	68	32	62	38	1995	na	na	44	56	45	55	na	na
1996/97	62	38	62	38	1996	88	13	57	43	44	56	na	na
1997/98	50	50	64	36	1997	83	17	0	100	47	53	39	61
1998/99	81	19	64	36	1998	83	17	100	0	42	58	0	100
	na	na	na	na	1999	na	na	50	50	na	na	14	86

Source:

Victoria, Magistrates Court: unpublished statistics

Queensland, JAG Courts Data base: unpublished statistics

New South Wales Bureau of Crime Statistics and Research: unpublished statistics

South Australia, Office of Crime Statistics (magistrates courts): unpublished statistics

Northern Territory Attorney General's Department: unpublished statistics

Australian Capital Territory Magistrates Court: unpublished statistics

Why might these substantive differences between the jurisdictions be occurring? The obvious first clue that needs to be investigated is the issue of legislation. As noted previously, the legislation differs slightly across all of the states. In South Australia, the legislation is quite narrow, requiring that the offender have intent to cause serious fear and apprehension. In comparison, Queensland has since introduced a more objective understanding of the victim needing to experience apprehension and fear. These legislative definitions will obviously impact upon police practices in terms of charging offenders with a stalking offence.

For example, we may imagine that a person has developed a fixation on another person with whom they briefly had sexual relations, consistently sending them presents, ringing them at home, visiting them at work, turning up at all their usual social locales and warning other potential admirers away because the other person is “already taken”. In this situation, regardless of any apprehension that may be being experienced by the respondent of these attentions, it would be almost impossible to charge them with stalking under current South Australian law.

Alternatively, if a neighbourhood dispute over a shared fence line involves consistent abusive threats, interference with the shared property and surveillance through the bathroom window, this offence can be currently charged under stalking legislation, as it fulfils all of the major criteria.

Other factors will also impact upon police decision-making processes. For example, if a person is consistently threatening their ex-partner, consistently violating restraining orders and has had a history of abusive behaviours, it may well be that police feel that have a higher likelihood of being able to charge that person under domestic violence (albeit with perhaps a lower charge) then they would successfully prosecuting under stalking legislation. Indeed, this has been demonstrated in Pearce and Easteal’s research, which suggested that police prefer to act under civil domestic violence legislation in response to “stalking scenarios”, given that “A DVO is easier because it is there in black and white and it’s a court order made by a magistrate and tends to be taken more seriously (police officer *cited in* Pearce and Easteal, 1999: 167).

These (and other) factors will significantly impact upon police decision making processes when determining whether to charge with stalking or not, and these decision making processes will differ according to the different jurisdictional legislation, and the different levels of familiarity with that legislation. They will also impact significantly upon subsequent court practices.

Perhaps the most important point to be recognised when considering the courts data is that the cases of stalking that finally make it to court, far less receive a penalty, are relatively few in comparison to those reported. Again, as with policing prosecution decisions, these trends are arguably strongly related to specific legislation, specifically the nature of “intent”. Indeed, given their low rate of prosecution, jurisdictions such as the Australian Capital Territory have argued for the importance of re-writing the legislation so that it is more similar to the Queensland legislation. Thus legislating that offenders’ *should have known* that their conduct caused fear, rather than explicitly *intending* that it should do so (Clack, 2000). It is also interesting to note here that the disparity between cases reported to the police and cases being prosecuted through the courts appears far greater for the larger states than the smaller jurisdictions.

This is particularly so given the nature of penalties imposed by the court. Stalking frequently occurs over long periods of time and the first stalking charge usually results only after a history of breaching restraining orders. The high likelihood of outcomes such as being “released on own recognisance without supervision” (*see* Ogilvie, 2000) is arguably an inappropriate response to the nature of the offence. One might query just how appropriate and useful such interventions may be in serious stalking incidents. Unfortunately, data detailing the types of stalking behaviours most likely to receive different penalty outcomes is not available. The intervention options for “dealing with” stalking are nevertheless of critical importance in addressing this particular crime.

Conclusion

It is unfortunate that Australian inter jurisdictional data cannot be readily compared due to the different counting mechanisms utilised, as the data presented in this paper strongly hint at very different understandings of what stalking *is*, and therefore the response required, across the jurisdictions. In terms of victims reporting practices, police clearance practices and courts

prosecution practices, we can see quite distinct differences between the various jurisdictions. Unfortunately we simply do not know whether these differences actually derive from significant behavioural differences or are a product of differences in data types, legislation and/or different police and court practices. Our inability to make judgements of this type constitutes a compelling argument for conducting nationally comparable research into stalking. If as a society we believe stalking to be an issue of real concern then we need as a matter of some urgency to investigate community experiences of stalking and the manner in which it is dealt with by police and courts across different jurisdictions.

The development of effective responses to stalking is however hindered by a number of factors. First, it is difficult to define exactly what it is that constitutes stalking. This definitional difficulty is then compounded by the differences in legislative attempts to resolve this problematic status. The issue is then still further complicated by major jurisdictional differences in how “whatever it is that stalking *is*” are counted, responded to, prosecuted by the police and the courts.

The difficulties entailed in responding to stalking in the manner being suggested here is not being overlooked or downplayed. Because of the problematic status of stalking, any response framework will necessarily and unavoidably be equally difficult to develop.

Summing Up

This report has sought to draw attention to the importance of stalking as an undesirable social behaviour and the difficulties involved in addressing such behaviours. The development of effective responses to stalking is hindered by a number of factors. First, it is difficult to define exactly what it is that constitutes stalking, particularly if we recognise it as being simultaneously an exemplar of both normality and deviance. This fundamental definitional difficulty then gives rise to quite different attempts at legislative and policing resolution of the definitional conundrum. The issue is then still further complicated by major jurisdictional differences with respect to how “whatever it is that stalking might *be*” are counted, responded to, prosecuted by the police and the courts. Collectively, these difficulties lead to three “groups” of conclusions:

- **We need to be clear how we want to define stalking:** If stalking is to be defined as “criminal” we need to be specific about what exactly are the criminal elements of the offence which distinguish it from norm-abiding behaviours. To date, this has focussed upon offenders’ intent to cause fear and apprehension. However this has been recognised by the courts as a less than satisfactory way in which to address a crime as complicated as stalking. (particularly given that all amendments to current anti-stalking legislation have involved broadening the legislation - *see* Clack, 2000).
- **We need to conduct nationally comparable research on stalking:** If we are serious about addressing and preventing stalking, we need to first understand what constitutes stalking. This involves understanding differences between domestic violence related stalking, celebrity stalking, and acquaintance stalking, men and women’s experiences of stalking, the different impact of stalking upon victims, and a wide range of other factors. While there are some excellent examples of research into stalking within specific jurisdictions (see Department of Justice, Victoria, 2000) there is limited information allowing for cross-jurisdictional analyses. The best way to gather such information is through a reliable, national level investigation into stalking behaviours, measuring the extent and nature of stalking behaviours, in order to best develop and implement effective programs to address them.

- **We need to expand the range of available responses to stalking:** Again, given the complicated nature of the offence, simple interventions based upon *either* therapy *or* criminal justice intervention are not suitable on their own. There needs to be co-operation between different stakeholders, including mental health experts, police and magistrates, domestic violence organisations etc in implementing the most appropriate interventions. These interventions should be based upon a sound understanding of the different types of stalking behaviours, the potential for violence and the damaging impact of these behaviours upon victims (particularly when they continue over a period of years).

However there are some more specific recommendations which can be made, which may be considered as complementing the wider issues.

- *Changing subjective tests of intent to objective tests of intent:* As noted, subjective tests of intent relate to the need to prove that the offender intended harm, as opposed to objective tests which request that a “reasonable person” should have known the behaviour would appear harmful. Arguments for subjective tests of intent are understandable, in that they are intended to limit the possibilities for stalking charges thereby ensuring that only serious cases are processed by the Criminal Justice System. In practice however, it is precisely these subjective tests which are causing relatively trivial cases to be brought before the courts, specifically in the cases of neighbourhood disputes. These practices are occurring in conjunction with a failure to charge cases of stalking which under any other circumstance be considered criminal. Given this phenomenon, it is strongly advised in this report that legislation be changed to include an objective test of intent.
- *Provision of training for police:* Briefing sessions could be provided to police, detailing the criteria involved in stalking legislation, the range of possible manifestations of stalking, and the potential lethality of stalking when it occurs as an aspect of domestic violence (McFarlane *et al*, 1999). Alternatively, specialised units resembling the Los Angeles Police Department’s Threat Management Unit could be implemented in order to both assess the threat involved in stalking situations, and intervene as appropriate.
- *The necessity of sustained intervention:* Even in cases where an intervention has been successfully implemented, the stalking behaviours may “flare up” following the cessation of intervention strategies. Hence policies need to be focussed upon long-term intervention strategies (Zona, Lane and Sharma, 1993).
- *The provision of victim support networks.* At present there are only two known victim support networks for stalking available in Australia. One is the Domestic Violence and Stalking shelter in Western Australia and the other is a 10-week pilot program initiated by the Victorian Institute of Mental Health and funded by the Victim’s Referral and Assistance Service. Given that stalking is so invasive of individual lives the importance of providing a supportive environment for victims who have become isolated and experienced fear is crucial. More specifically, the importance of providing a safe environment for victims who may be in actual danger is critical.
- *Community Awareness:* Community attitudes towards stalking need to be investigated. For example, research investigating gender differences in perceptions of seriousness of stalking suggest that males tend to view stalking as less serious than do females. This has implications both in terms of a) jurors’ and magistrates’ decision-making processes and b) the potential for males to under-estimate possibilities for victimisation (Hills and Taplin, 1997: 145).

More importantly than anything else however is the recommendation first provided by the National Institute of Justice (1993) that there be a “state’s [nation’s] decision to require the criminal justice system and related disciplines to take stalking incidents seriously”. Ultimately, the question we need to be asking is whether current stalking legislating is protecting victims (Bradfield, 1998; McCann, 1995). Perhaps the future of stalking legislation is best summed up by Lemon (1994:8):

In order to be effective, stalking statutes must be one piece of a much larger coordinated community response. Key pieces of the such a response would include in-depth training and written policies addressing domestic violence and stalking, and would be an integral part of the criminal justice system, health care system, educational system, and other social systems... An additional key piece of the response would involve cooperation between all the different parts of the above systems, such as protocols for cooperation, regular interdisciplinary or inter-agency meetings, and death review teams, reflecting the reality that everyone has to work together if we will ever be able to stop stalking and domestic violence.

It is only through this sort of co-operation between community, criminal justice, academic and legislative bodies that stalking will ultimately be understood and hence better responded to. Finally but not irrelevantly, it is worth noting that because stalking occupies such a problematic position on the continuum between the conformist and the criminal, enhancing our understanding of the phenomenon is likely to reveal something important about ourselves and our culture more generally.

References

- Australian Bureau of Statistics (1996) *Women's Safety Australia* Australian Bureau of Statistics: Canberra
- Burgess, A., Baker, T., Greening, D., Hartman, C., Burgess, A., Douglas, J. & Halloran, R. (1997) "Stalking behaviours within domestic violence" *Journal of Family Violence* 12 (4), 389-403
- Clack, P. (2000) "Stalking laws to be beefed up after low conviction rate" *Canberra Times* 11/8/00
- Coleman, F. (1997) "Stalking behaviour and the cycle of domestic violence" *Journal of Interpersonal Violence* 12(3), 420-432
- Dietz, P., Matthews, D., Van Duyne, C., Martell, D., Parry, C., Stewart, T., Warren, J. & Crowder, J. (1991) "Threatening and otherwise inappropriate letters to Hollywood celebrities" *Journal of Forensic Sciences* 36(1), 185-209
- Emerson, R., Ferris, K. & Brooks Gardner, C. (1998) "On Being Stalked" *Social Problems* 45(3), 289-314
- Fremouw, W., Westrup, D. & Pennypacker, J. (1997) "Stalking on Campus: The prevalence and strategies for coping with stalking" *Journal of Forensic Sciences* 42(4), 666-669
- Geberth, V. (1992) "Stalkers" *Law and Order* 10 pp138-143
- Goode, M. (1995) "Stalking: Crime of the nineties?" *Criminal Law Journal* 19, 21-31
- Hills, A. & Taplin, J. (1998) "Anticipated responses to stalking: Effect of threat and target-stalker relationship" *Psychiatry, psychology and law* 5(1), 139-146
- Keenahan, D. & Barlow, A. (1997) "Stalking: A Paradoxical Crime of the Nineties" *International Journal of Risk, Security and Crime Prevention* 2(4), 291-300
- Langhinrichsen-Rohling, J., Palarea, R., Cohen, J. & Rohling, M. (2000) "Breaking up is hard to do: Unwanted pursuit behaviours following the dissolution of a romantic relationship" *Violence and Victims* 15(1), 73-90
- Lemon, N. (1994) *Domestic Violence and Stalking: A comment on the model Anti-stalking code proposed by the National Institute of Justice* Battered Women's Justice Project: Dulith.
- Logan, T., Leukefeld, C. and Walker, B. (2000) "Stalking as a variant of intimate violence: Implications from a young adult sample" *Violence and Victims* 15(1), 91-111
- Marshall, J. (1998) "Restraining Orders and Stalking Offences in 1995 and 1996" *Information Bulletin* Office of Crime Statistics: South Australia
- McFarlane, J., Campbell, J., Wilt, S., Sachs, C., Ulrich, Y. & Xu, X. (1999) "Stalking and intimate partner femicide" *Homicide Studies* 3(4), 300-316
- Meloy, J. (1989) "Unrequited love and the wish to kill: Diagnosis and treatment of borderline erotomania" *Bulletin Menninger Clinic* 53, 477-492
- Meloy, J. (1996) "Stalking (obsessional following): A review of some preliminary studies" *Aggression and violent behaviour* 1, 147-162
- Meloy, J. (1997) "The Clinical Risk Management of Stalking: "Someone is watching over me ..." *American Journal of Psychotherapy* 51(2), 174-184
- Meloy, J. (1998) "The psychology of stalking" Meloy, J. (ed) *The psychology of stalking: Clinical and forensic perspectives* Academic Press: San Diego

- Meloy, J., Yim Cowett, P., Parker, S., Hofland, B. & Friedland, A. (1997) "Domestic Protection orders and the prediction of subsequent criminality and violence toward protectees" *Psychotherapy* 34(4), 447-458
- Meloy, J. & Gothard, S. (1995) "A demographic and clinical comparison of obsessional followers and offenders with mental disorders" *American Journal Of Psychiatry* 152, 258-263
- Mullen, P. & Pathé, M. (1994) "Stalking and the pathologies of love" *Australian and New Zealand Journal of Psychiatry* 147, 625-628
- Mullen, P., Pathé, M., Purcell, R. & Stuart, G. (1999) "Study of Stalkers" *American Journal of Psychiatry* 156(8), 1244-1249
- Mullen, P., Pathe, M., & Purcell, R. (2000) *Stalkers and their victims* Cambridge: Cambridge University Press
- National Institute of Justice: Research Report (1993) *Project to develop a model anti-stalking code for state* US Department of Justice. Office of Justice Programs
- National Institute of Justice: Research Report (1996) *Domestic violence, stalking and anti-stalking legislation: An annual report to congress under the violence against women act* US Department of Justice. Office of Justice Programs
- National Institute of Justice: Research Report (1997) *Domestic violence and stalking: The second annual report to congress under the violence against women act* US Department of Justice. Office of Justice Programs
- National Institute of Justice: Research Report (1998) *Domestic violence and stalking: The third annual report to congress under the violence against women act* US Department of Justice. Office of Justice Programs
- Ogilvie, E. (2000) *Stalking: Legislating, Policing and Prosecuting Practices in Australia* Research and Public Policy Report: Australian Institute of Criminology (forthcoming)
- Ogilvie, E., Lynch, M. & Bell, S. (2000) "Gender and Official Statistics: The Juvenile Justice System in Queensland, 1998-99" *Trends and Issues in Crime and Criminal Justice*: Australian Institute of Criminology No. 162
- Palarea, R., Zona, M., Lane, J. & Langhinrichsen-Rohling, J. (1999) "The dangerous nature of intimate relationship stalking: threats, violence and associated risk factors" *Behavioural Sciences and the Law* 17, 269-283
- Pathé, M. and Mullen, P (1997) "The Impact of stalkers on their victims" *British Journal of Psychiatry* 174, 170 –172
- Pathé, M., Mullen, P. & Purcell, R. (1999) "Stalking: False claims of victimisation" *British Journal of Psychiatry* 174, 170 –172
- Pearce, A. & Easteal, P. (1999) "The domestic in stalking" *Alternative Law Journal* 24(4), 165-167
- Roberts, A. & Dziegielewski, S. (1996) "Assessment typology and intervention with the survivors of stalking" *Aggression and Violent Behaviour* 1(4), 359-368
- Roman, J., Hays, J., & White, T. (1996) "Stalking and related behaviours experienced by counselling centre staff members from current or former clients" *Professional Psychology: Research and Practice* 27, 595-599
- Rudden, M., Sweeney, J. & Francis, A. (1990) "Diagnosis and clinical course of erotomanic and other delusional patients" *American Journal of Psychiatry* 147, 625-628
- Sheridan, L. & Davies, G. (2000) "What is stalking? The match between legislation and public perception". *Legal and Criminological Psychology* (in press).

- Spitzberg, B., Nicastro, A. and Cousins, A. (1998) "Exploring the interactional phenomenon of stalking and obsessive relational intrusion" *Communication Reports*. 11, 33-47
- Swanwick, R. (1996) "Stalkees strike back – the stalkers stalked: A review of the first two years of stalking legislation in Queensland" *The University of Queensland Law Journal* 19(1), 26-44
- Swanwick, R. (1998) "The unreasonable stalkee, the egg shell skull rule and the continuing evolution of stalking law in Queensland" *The Queensland Lawyer* 19(2), 67-75
- Tjaden, P. (1997) "The Crime of stalking: How big is the problem?" *National Institute of Justice: Research Preview* US Dept of Justice: Office of Justice Programs
- Walker, L. & Meloy, J. (1998) Stalking and domestic violence" Meloy, J. (ed) *The psychology of stalking: Clinical and forensic perspectives* Academic Press: San Diego
- Westrup, D. (1998) "Functional Analysis of Stalking" Meloy, J. (ed) *The psychology of stalking: Clinical and forensic perspectives* Academic Press: San Diego
- White, S. & Cawood, J. (1998) "Threat Management of Stalking Cases" Meloy, J. (ed) *The psychology of stalking: Clinical and forensic perspectives* Academic Press: San Diego
- Whitney, K. (1999) "Western Australia's New Stalking Legislation: Will it fit the gap?" *The University of Western Australia Law Review* 28(2), 293-313
- Williams, W., Lane, J., & Zona, M. (1996). "Stalking: Successful intervention strategies" *The Police Chief* 2, 24-26.
- Wright, J., Burgess, A., Burgess, A., McCrary, G. & Douglas, J. (1995) "Investigating Stalking Crimes" *Journal of Psychosocial Nursing and Mental Health Services* 33, 38-43
- Wright, J., Burgess, A., Burgess, A., Laszlo, A., McCrary, G. & Douglas, J. (1996) "A Typology of Interpersonal Stalking" *Journal of Interpersonal Violence* 11(4), 487-502.