

Stalking

An Examination of the Criminal Justice Response

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Stalking is documented, but insufficient attention has been given to case disposition and how prior criminal and protective order histories influence the processing of stalking cases by the court. This study used secondary case analyses to examine the incarceration and prior offense histories of 346 men charged with stalking, the temporal relationship between prior offenses and the stalking offense, and the interplay between criminal/protective order histories and the final disposition of stalking cases. Study results show significant incarceration and criminal histories among stalkers and a frequent use of protective orders in these cases. High dismissal rates of stalking offenses were found, but for charges not dismissed, a relatively high conviction rate was found. Finally, repeat criminal activity within a short time of the index stalking charge was common. Implications and areas for future research are discussed.

Keywords: *stalking; criminal justice*

Stalking is now documented, with 8% of women and 2% of men reporting the experience of being stalked at some time in their lives (Tjaden & Thoennes, 1998). Tjaden and Thoennes (1998) found that 78% of stalking victims were female and 87% of stalking perpetrators were male, and these authors found that more than three fourths (77%) of victims are stalked by a person known to them, most often a current or former spouse, cohabitant, boyfriend, or girlfriend.

In general, research suggests that stalkers are older than other offenders with average ages ranging from 35 (Meloy & Gothard, 1995; Zona, Sharma,

& Lane, 1993) to 40 years (Harmon, Rosner, & Owens, 1995; Mullen & Pathé, 1994). In addition, criminal histories are common among stalkers. Research indicates that between 39% and 66% of stalkers have criminal histories (Harmon et al., 1995; Meloy, 1996; Mullen & Pathé, 1994; Mullen, Pathé, Purcell, & Stuart, 1999).

Studies also now provide evidence of a link between stalking victimization and other forms of abuse, suggesting that stalking is but one variant of intimate violence (Logan, Leukefeld, & Walker, 2000). The National Violence Against Women Survey showed that 81% of females stalked by a current or former intimate were also physically assaulted by the stalker, and 31% were raped by that partner (Tjaden & Thoennes, 1998). Bjerregaard (2000) found that nearly one fourth of female stalking victims were also physically harmed by the stalker, and Mechanic, Weaver, and Resick (2000) reported a high correlation between physical assault and stalking among a population of severely battered women. Similarly, in a college student sample, Coleman (1997) found stalking to be related to verbal and physical abuse, and Spitzberg and Rhea (1999) documented a significant correlation between stalking and sexual coercion in a college sample.

Furthermore, Tjaden and Thoennes (1998) found a higher rate of stalking after the relationship ended, and in a later study of police files, the same authors found stalking allegations more prevalent in cases where the female victim and stalker were former rather than current intimates (Tjaden & Thoennes, 2000). Brewster (2000) reported that 46% of stalking victims were physically attacked after leaving an intimate relationship and that 86% experienced physical injury as a result. McFarlane et al. (1999) documented that in 88% of femicide cases, the relationship had ended at the time of the stalking. Meloy (1998) found that although most stalkers are not physically violent, when they are, they are most likely to be violent toward individuals with whom they have had a sexually intimate relationship. These findings draw further attention to other reports that abused women may be at the highest risk for further harm or death at the time the relationship ends (Buzawa & Buzawa, 1996; Campbell, 1992, 1995; Hall, 1998; Burgess et al., 1997).

At the most extreme end of the violence continuum, Moracco, Runyan, and Butts (1998) found that 23.4% of femicide victims in North Carolina who were murdered by a current or former intimate partner had been stalked before the fatal incident. Even higher rates were reported by McFarlane et al. (1999), who found that 76% of partner femicide victims in 10 cities were stalked in the 12 months preceding their murder.

Studies also now evidence that the severity and frequency of stalking victimization impact the type of victim help seeking behavior (Bjerregaard, 2000; Cupach & Spitzberg, 2000; Mechanic et al., 2000; Spitzberg, Nicastro,

& Cousins, 1998), and the degree of violence experienced is associated with increased use of criminal justice assistance (McFarlane, Soeken, Reel, Parker, & Silva, 1997; Wiist & McFarlane, 1998). With respect to help seeking from the criminal justice system, a study using a random sample of college students found that 35.0% of female victims and 10.3% of male victims called the police in response to stalking (Bjerregaard, 2000). Higher rates of reporting stalking victimization were reported by Blaauw, Winkel, Arensman, Sheridan, and Freeve (2002), who found that 89% of victims turned to police. Tjaden and Thoennes (1998) showed that 55% of female victims and 48% of male victims said their victimization was reported to law enforcement. Of those cases reported to law enforcement, 24% and 19%, respectively for female and male victims, were criminally prosecuted. Slightly more than half the time, prosecutions resulted in a conviction, but not necessarily a conviction for stalking. In fact, stalkers were charged with a variety of offenses, including harassment, menacing or threatening, vandalism, trespassing, breaking and entering, robbery, disorderly conduct, intimidation, and assault (Tjaden & Thoennes, 1998).

Similar findings resulted from a case file review of domestic violence crime reports in one police jurisdiction in which authors found that 16.5% of all cases included descriptions in the crime report narrative describing stalking behavior, but only one case actually resulted in a stalking charge (Tjaden & Thoennes, 2000). If a woman alleged stalking, the offender was significantly more likely to be charged with violation of a restraining order or bail bond and significantly less likely to be charged with harassment, assault, or intimidation. The authors surmised that the lack of charging under the stalking statute results from three constitutional challenges during the year of the study and the fact that little law enforcement training on stalking had been conducted in the jurisdiction of the study (Tjaden & Thoennes, 2000). These two studies confirm the earlier finding of a study of criminal justice practitioners by the Office of Justice Programs that found that stalkers continue to be charged and sentenced under harassment, intimidation, or other related laws instead of stalking (Violence Against Women Grants Office, 1998). Jordan, Quinn, Jordan, and Daileader (2000) suggested that stalking cases arising in the context of domestic violence are more difficult for the courts to adjudicate. Similarly, proponents of civil rights of action for stalking victims have pushed that remedy in part in the belief that "while civil lawsuits are an important option for crime victims regardless of the outcome of a criminal case, they are a particularly important option for stalking victims because the criminal justice system has such an inadequate track record in dealing with stalking" (Shiels, 2000, p. 13). Although there is a perception that stalking charges do not often result in a conviction, there has been limited attention to

the court processing of stalking and how charges resulting in convictions differ from those that do not. There is also insufficient evidence in the literature of how prior criminal behavior or protective order histories among stalkers influence the processing of stalking cases by the court system.

The purpose of this study was twofold. The first was to examine how one state's criminal justice system disposes of stalking cases (dismissal rates, types of amendments, and conviction rates) by examining dispositions for felony and misdemeanor stalking charges for all males charged with stalking in one state in fiscal year 1999. The second purpose was to examine the incarceration and prior offense histories of stalkers, the temporal relationship between prior offenses and the stalking offense, and the interplay between criminal and protective order histories and the final disposition of stalking cases.

METHOD

Sample

This study included a sample of 390 persons charged with the criminal offense of stalking during fiscal year 1999 (July 1, 1998 to June 30, 1999). The sample was largely male (89%), thus females were excluded from further analysis. The males in the sample ranged in age from 18 to 80, with a mean age of 35 years ($SD = 10.4$). Of the total male sample, 78% were White, 17% were African American, and 4% had missing race data.

Measures

Secondary analysis was conducted on three criminal justice data sets: criminal history information, incarceration history, and protective order data. Data were analyzed using standardized data collection instruments for two time periods: before fiscal year 1999 and during fiscal year 1999. Quality control was conducted for 20% of records. Specifically, for every 50 cases coded by one researcher, a second independently coded set of 10 cases was randomly selected from the completed 50 cases. The ratings were then compared for all possible variables and disagreements resolved for 100% agreement.

Procedure

Criminal history information was accessed from the Administrative Office of the Courts (AOC) and data extracted for analysis included arrest/

charge date, type of offense, severity of the offense charged (i.e., felony, misdemeanor, or violation), and disposition of the case. Stalking histories were extracted and then offenses were classified into six felony classifications and eight misdemeanor classifications, including the following: (a) threatening crimes (criminal trespass, disorderly conduct, harassment, menacing, and terroristic threatening); (b) violent felony crimes (i.e., first, second, and third degree assault, kidnapping, manslaughter, murder, robbery, felony unlawful imprisonment, wanton endangerment, and weapons charges); (c) violent misdemeanor crimes (i.e., assault fourth, criminal abuse, misdemeanor unlawful imprisonment, misdemeanor wanton endangerment, and misdemeanor weapons charges); (d) sex crimes (i.e., rape, sexual abuse, and sodomy); (e) drug/alcohol crimes; (f) property crimes; (g) traffic crimes; and (h) other crimes (i.e., all other crimes not fitting into the above categories).

As to stalking, Kentucky Revised Statutes (KRS 508.140 to KRS 508.150) define stalking as engaging in "an intentional course of conduct" that is "directed at a specific person or persons." The "course of conduct" must consist of a "pattern" of behavior, essentially being "two or more acts, evidencing a continuity of purpose." The prohibited behavior includes both a subjective standard (i.e., it "seriously alarms, annoys, intimidates, or harasses" the actual victim) as well as an objective standard (i.e., it "would cause a reasonable person to suffer substantial mental distress"). The conduct must serve "no legitimate purpose," an element preventing the statute from encompassing constitutionally protected behavior. For stalking to constitute a crime, the defendant not only must stalk the victim but also must make either an "explicit or implicit threat" that places the victim in fear of sexual contact, physical injury, or death. Stalking increases from a Class A misdemeanor to a Class D felony when the defendant has, in some way, repeatedly offended against the victim: A protective order has been issued to protect the victim, a criminal complaint is pending concerning the same victim, the defendant has previously been convicted of committing a crime against the same victim, or the defendant commits stalking while in possession of a weapon.

The second data set used in this study included prison incarceration history information from the Offender Records Information and Operations Network (ORION) related to each of the offenders included in the AOC data. For analysis, the information gathered from ORION included type of charge(s) against the offender, conviction date, length of each sentence, date of prison entry and exit, and type of release.

The third data set included orders of protection issued against each offender as extracted from the data system of the AOC. Two types of orders

are reflected in the data, including emergency protective orders that are temporary, ex-parte orders, and domestic violence orders issued by a court subsequent to a hearing and effective for up to 3 years.

For this study, participants were grouped by type of stalking charge in one fiscal year—felony or first degree stalking charges versus misdemeanor or second degree stalking charges. In addition, participants were divided into three groups based on the disposition of their case in the criminal justice system. The three groups included (a) those whose cases were initially dismissed (the Dismissed Group) ($n = 196$), (b) those whose cases were initially convicted of stalking (the Guilty Group) ($n = 69$), and (c) those whose charges were amended from the initial stalking offense and who were subsequently found guilty on the amended charges (the Later Guilty Group) ($n = 36$).

RESULTS

Disposition Data

Of the total number of men charged with stalking in FY 1999, 125 were charged with felony stalking in the first degree (36%) and 221 were charged with misdemeanor stalking (64%). With respect to disposition, almost half of the felony stalking cases were dismissed (49.6%), a number that increased to 55.2% when considering the final disposition of cases amended after the original charging. Dismissal rates were even higher for misdemeanor stalking cases (61.1% of the original charges and 62% of the amended charges). Of felony stalking cases, 13.9% resulted in a conviction, a number increasing to 32.8% when considering the final disposition of amended charges. Initial misdemeanor charges resulted in convictions 24% of the time, increasing to almost one third (29.4%) of cases when also considering amended charges. There were 45 (13%) cases that did not have a disposition at the time the records were extracted for the study and thus were dropped from the group analysis.

More than one fourth (28%) of felony stalking cases were amended to a lesser or other offense; most often the amended charge was the misdemeanor level of stalking (65.7%). Other charges to which stalking was amended included terroristic threatening and violation of an order of protection. When misdemeanor stalking charges were amended (6.8%) to another offense, the amended charges included terroristic threatening, menacing, and disorderly conduct (20% each).

Demographic, Incarceration, and Protective Order Data by Group

Stalking first degree. There were no significant age or race differences between the groups of Dismissed, Guilty, and Later Guilty. Incarceration histories did show significant differences, with 41.2% of the Guilty group having a history of incarceration compared to 25.8% of the Dismissed Group and 8.0% of the Later Guilty Group. Protective orders were fairly common among men charged with felony stalking, with 33.9% of the Dismissed group, 64.7% of the Guilty group, and 37.5% of the Later Guilty group having protective orders against them before FY 1999. There were similar trends during FY 1999, with 50% of the Dismissed group, 52.9% of the Guilty group, and 29.2% of the Later Guilty group having a protective order against them.

Stalking second degree. No significant differences were found by group for males charged with misdemeanor stalking. As with felony stalking cases, however, protective orders were common, with 28.1% of the Dismissed group, 18.9% of the Guilty group, and 50% of the Later Guilty group having protective orders against them before FY 1999, and 23.0% of the Dismissed group, 35.8% of the Guilty group, and 33.3% of the Later Guilty group having a protective order against them during FY 1999.

Misdemeanor and Felony Criminal History by Group in Felony Stalking Cases

Table 1 displays misdemeanor conviction and charge history by group for men charged with felony stalking. Men found guilty of felony stalking were significantly more likely than the other two groups to have drug/alcohol-related convictions, $\chi^2(2) = 7.2, p < .05$, and resisting arrest convictions, $\chi^2(2) = 7.5, p < .05$, prior to FY 1999. The Guilty group was also significantly more likely to have been previously charged with threatening offenses, $\chi^2(2) = 13.4, p < .01$, as categorized for the study, with almost two thirds of the males initially found guilty of felony stalking having previously been charged with a threatening offense. Drug/alcohol offense charges, $\chi^2(2) = 12.7, p < .01$, property offense charges, $\chi^2(2) = 7.7, p < .05$, and resisting arrest charges, $\chi^2(2) = 10.8, p < .01$, were also significantly more likely among the Guilty group. Analysis was also done for convictions and charges occurring in FY 1999. The Guilty group was significantly more likely to have had resisting arrest, $\chi^2(2) = 6.6, p < .05$, and traffic offenses, $\chi^2(2) = 10.1, p < .01$, charged against them in FY 1999.

TABLE 1: Misdemeanor Charge and Conviction History by Group First Degree

	<i>Dismissed</i> (n = 62)	<i>Guilty</i> (n = 17)	<i>Later Guilty</i> (n = 24)
Convictions before			
Stalking	1.6	0	0
Threatening	16.1	41.2	25
Violent/weapon	12.9	23.5	20.8
Drug/alcohol	16.1	47.1	25*
Property	14.5	29.4	4.2
Resisting arrest	3.2	23.5	12.5*
Traffic	24.2	41.2	25
Other	9.7	11.8	20.8
Charges before			
Stalking	1.6	5.9	4.2
Threatening	19.4	64.7	37.5**
Violent/weapon	29	41.2	33.3
Drug/alcohol	16.1	58.8	29.2**
Property	16.1	41.2	8.3*
Resisting arrest	3.2	23.5	25**
Traffic	37.1	58.8	45.8
Other	27.4	52.9	29.2
Convictions during			
Other stalking	1.6	0	8.3
Threatening	11.3	29.4	29.2
Violent/weapon	12.9	17.6	16.7
Drug/alcohol	11.3	17.6	20.8
Property	3.2	0	0
Resisting arrest	1.6	11.8	8.3
Traffic	8.1	23.5	12.5
Other	14.5	35.3	20.8
Charges during			
Other stalking	6.5	0	4.2
Threatening	41.9	47.1	29.2
Violent/weapon	21	35.3	29.2
Drug/alcohol	19.4	11.8	29.2
Property	6.5	5.9	4.2
Resisting arrest	1.6	17.6	8.3*
Traffic	12.9	47.1	16.7**
Other	25.8	41.2	25

NOTE: All numbers are percentages.

* $p < .05$. ** $p < .01$.

As reflected in Table 2, the Guilty group was significantly more likely to have been charged with other felony offenses before FY 1999, $\chi^2(2) = 9.5, p < .01$; to have been convicted during FY 1999 of a felony-level property crime,

TABLE 2: Felony Charge and Conviction History by Group First Degree

	<i>Dismissed</i> (n = 62)	<i>Guilty</i> (n = 17)	<i>Later Guilty</i> (n = 24)
Felony convictions before			
Stalking	0	0	4.2
Felony violent/weapon	11.3	17.6	0
Sex crimes	3.2	0	0
Drug/alcohol	4.8	5.9	0
Property	12.9	17.6	0
Other	6.5	17.6	0
Felony charges before			
Stalking	1.6	0	8.3
Felony violent/weapon	19.4	35.3	20.8
Sex-related	3.2	0	0
Drug/alcohol	8.1	5.9	4.2
Property	30.6	35.3	12.5
Other	8.1	35.3	8.3**
Felony convictions during			
Felony violent/weapon	11.3	23.5	4.2
Sex crimes	0	0	0
Drug/alcohol	1.6	5.9	0
Property	1.6	29.4	4.2**
Other	6.5	0	4.2
Felony charges during			
Felony violent/weapon	29	41.2	4.2*
Sex-related	0	5.9	0
Drug/alcohol	6.5	17.6	4.2
Property	11.3	35.3	12.5*
Other	9.7	23.5	8.3

NOTE: All numbers are percentages.

$\chi^2(2) = 16.6, p < .01$; to have been charged with a violent felony, $\chi^2(2) = 8.4, p < .05$; and to have felony property charges, $\chi^2(2) = 6.1, p < .05$.

Misdemeanor and Felony Criminal History by Group in Misdemeanor Stalking Cases

Table 3 displays misdemeanor convictions and charges by group for misdemeanor stalking cases. As shown, drug/alcohol convictions before, $\chi^2(2) = 18.9, p < .01$, and during, $\chi^2(2) = 9.4, p < .01$, and charges before, $\chi^2(2) = 12.2, p < .01$, and during, $\chi^2(2) = 7.4, p < .05$, FY 1999 showed significant differences across groups. The Later Guilty group and the Guilty group were more likely to have had other convictions before FY 1999, $\chi^2(2) = 9.4, p < .01$, than

TABLE 3: Misdemeanor Charge and Conviction History by Group Second Degree

	<i>Dismissed</i> (n = 135)	<i>Guilty</i> (n = 53)	<i>Later Guilty</i> (n = 12)
Convictions before			
Stalking	0	1.9	0
Threatening	14.8	17	25
Violent/weapon	9.6	13.2	16.7
Drug/alcohol	20.7	18.9	75**
Property	8.1	17.0	16.7
Resisting arrest	2.2	1.9	0
Traffic	13.3	24.5	25
Other	7.4	17	33.3**
Charges before			
Stalking	0.7	3.8	0
Threatening	27.4	26.4	33.3
Violent/weapon	19.3	13.2	16.7
Drug/alcohol	26.7	30.2	75**
Property	9.6	20.8	16.7
Resisting arrest	3.7	3.8	0
Traffic	25.2	30.2	50
Other	15.6	24.5	33.3
Convictions during			
Threatening	16.3	24.5	33.3
Violent/weapon	8.1	17.0	25
Drug/alcohol	11.1	20.8	41.7**
Property	4.4	17.0	0**
Resisting arrest	2.2	3.8	0
Traffic	8.9	7.5	16.7
Other	5.9	7.5	25
Charges during			
Threatening	57.8	43.4	25*
Violent/weapon	23	20.8	25
Drug/alcohol	16.3	30.2	41.7*
Property	8.9	13.2	8.3
Resisting arrest	3	3.8	0
Traffic	14.8	18.9	8.3
Other	19.3	22.6	50*

NOTE: All numbers are percentages.

* $p < .05$. ** $p < .01$.

the Dismissed group. The Guilty group was more likely to have had property convictions, $\chi^2(2) = 9.7, p < .01$, and threatening charges, $\chi^2(2) = 6.9, p < .05$, during FY 1999 than the Later Guilty or Dismissed group. And the Later Guilty group was more likely to have other misdemeanor charges during FY 1999, $\chi^2(2) = 6.1, p < .05$.

TABLE 4: Felony Charge and Conviction History by Group Second Degree

	<i>Dismissed</i> (n = 135)	<i>Guilty</i> (n = 53)	<i>Later Guilty</i> (n = 12)
Felony convictions before			
Stalking	0	0	0
Felony violent/weapon	2.2	7.5	8.3
Sex crimes	0.7	1.9	0
Drug/alcohol	3.7	7.5	8.3
Property	6.7	11.3	16.7
Other	2.2	1.9	8.3
Felony charges before			
Stalking	0.7	1.9	0
Felony violent/weapon	8.9	15.1	33.3*
Sex-related	5.9	3.8	8.3
Drug/alcohol	5.9	9.4	25
Property	16.3	24.5	58.3**
Other	6.7	3.8	25*
Felony convictions during			
Felony violent/weapon	1.5	3.8	0
Sex crimes	0	0	0
Drug/alcohol	0.7	5.7	0
Property	0.7	5.7	0
Other	1.5	1.9	8.3
Felony charges during			
Felony violent/weapon	7.4	7.5	0
Sex-related	0	1.9	0
Drug/alcohol	2.2	5.7	0
Property	10.4	18.9	0
Other	4.4	1.9	8.3

NOTE: All numbers are percentages.

* $p < .05$. ** $p < .01$.

As shown in Table 4, felony conviction and charge histories were less common among misdemeanor stalking cases than felony stalking cases. Of the significant differences here, the trend is again that the Later Guilty group was significantly more likely to have had prior violent felony, $\chi^2(2) = 7.5, p < .05$; property, $\chi^2(2) = 12.3, p < .01$; and other, $\chi^2(2) = 6.8, p < .05$, offenses charged than the Guilty or Dismissed groups.

DISCUSSION

There were two main purposes for this study. The first was to examine how one state's criminal justice system disposes of stalking cases by examining

dispositions for felony and misdemeanor stalking charges for all males charged with stalking in one state in fiscal year 1999. The second purpose was to examine incarceration and prior offense histories of stalkers, the temporal relationship between prior offenses and the stalking offense, and the interplay between criminal/protective order histories and the final disposition of stalking cases.

The single most frequent disposition of stalking cases in the study was dismissal (49.2% of initial felony charges, 54.0% of amended felony charges, 61.2% of initial misdemeanor charges, and 62.2% of amended misdemeanors). Whereas Tjaden and Thoennes (1998) found that 54% of victims who had criminal charges filed reported that the charge resulted in conviction, this study found only a 28.5% conviction rate even when including final dispositions after cases have been amended to lesser offenses. Nonetheless, although lower than the national stalking study, the felony cases analyzed in this study fare better in comparison to conviction data for other felony offenses that range from 14% for aggravated assault, 16% for robbery, 19% for rape, and 46% for murder (Maguire & Pastore, 1999). In other words, it appears that high dismissal rates make it difficult for a stalking case to be successful. However, cases that do make it through the system have a reasonable chance of conviction, at least when compared to other felony offenses.

The second most common disposition for stalking cases first entering the criminal justice system is an amendment to a lesser offense, most often the misdemeanor level of stalking or another threat-related crime. This finding seems to support earlier findings that stalking crimes are often prosecuted by other more familiar crimes of harassment, threatening, or related offenses (Tjaden & Thoennes, 1998, 2000; Violence Against Women Grants Office, 1998). There is not sufficient information from the state records used in this study to know the reason for cases being amended. Several factors could influence high dismissal rates including arrest practices, prosecutors' opinions about stalking, difficulties in obtaining a conviction before a jury, and other factors. The fact that stalking as a criminal offense is relatively new may play a role, as may the fact that stalking is a pattern-based crime rather than an incident-based crime, a characteristic that may mean more complexity in charging and prosecuting the offense. More research is needed to better understand this process.

Stalking defendants in this study were also frequently respondents to protective orders. In total, 38.1% of men charged with felony or misdemeanor stalking also had protective orders, a number slightly higher than that found by Tjaden and Thoennes (1998). These studies cannot be directly compared, however, because access to protective orders is limited by the law of the state in which the study was conducted to cases involving family members and

intimate partners, and the sample in this study includes intimate and nonintimate stalkers. Even with that limitation in the data set, however, victims of up to two thirds of felony stalkers sought civil protection in the year before stalking charges were brought. Finally, violation of a protective order was the third most common offense to which felony stalking was amended. The findings of this and other studies that stalkers frequently have protective orders against them and that they often engage in stalking behavior in violation of those orders (Keilitz, Hannaford, & Efke, 1997; Klein, 1996) should be a strong indicator for the court system that individuals with protective orders and stalking charges pose a risk to victims and should be prosecuted in a manner appropriate to that risk.

This study found high rates of criminal offending among stalkers, a finding consistent with other research (Burgess et al., 1997; Harmon et al., 1995; Meloy, 1996; Mullen & Pathé, 1994; Mullen et al., 1999). Not only did many of these stalkers have a number of arrests and charges, almost 1 in 5 (19%) had been incarcerated in prison. Felony stalkers also had a high rate of prior conviction on alcohol drug charges and a significantly higher rate of being charged with resisting arrest than other stalkers in this study. The frequency of prior convictions and charges for resisting arrest for some stalkers suggests a more antisocial type of offender who directs harm both at intimate partners and at non-intimates (Holtzworth-Munroe, Bates, Smutzler, & Sandin, 1997). This characteristic is even more telling given that in resisting arrest the aggressive behavior is directed toward an armed authority figure.

The frequency of prior criminal history generally, and drug/alcohol convictions specifically, is also an important finding given previous reports that alcohol and drug abuse are significant predictors of injuries related to stalking (Brewster, 2000; Harmon et al., 1995; Mullen et al., 1999) and that criminal history and subsequent assault by stalkers are linked (Kienlen, Birmingham, Solberg, O'Regan, & Meloy, 1997; Mullen et al., 1999). Another significant finding in the criminal history data is the occurrence of property crimes. More than one fourth (27.4%) of convicted felony stalkers were also found guilty during FY 1999 of a felony property crime and 18.9% of convicted misdemeanor stalkers were also convicted of a misdemeanor property crime. In Mullen et al. (1999), robust associations were found between property damage, substance abuse, criminal history, and subsequent violence by stalkers.

Another important finding of this study is the apparent frequency of repeat criminal activity within a short time of the index stalking charge as evidenced by the significant number of felony and misdemeanor stalkers convicted of violent and threatening-related offenses in the same year. Although this pattern could indicate repeat offending or charging with multiple offenses at the

time of arrest, when coupled with the significant criminal histories of stalkers evidenced above, this finding emphasizes the repeat pattern of crime engaged in by stalkers and should encourage law enforcement officers and prosecutors to arrest and prosecute to the fullest extent possible. Future research should look more closely at past and concurrent criminal behavior among stalkers to detect differences between general criminality and offenses targeted at a specific victim.

Whereas the study found that men convicted of felony stalking had more significant criminal histories than those not convicted, one of the more complex findings of the study was that misdemeanor cases amended after the initial charge of stalking involved men with significantly greater histories of drug/alcohol and other felony convictions and charges than the cases with an initial guilty disposition or a dismissal. In other words, with felony stalking offenders, a linear relationship exists between prior convictions and whether the case results in an immediate conviction, an amendment and later conviction, or a dismissal. With misdemeanor stalkers, however, the linear relationship for prior offenses does not hold true. More significant criminal histories are found among those cases where an amendment to the original offense of stalking occurred. This specifically includes drug/alcohol and threatening offense-related misdemeanor charges in the same year as the stalking offense; drug/alcohol misdemeanor charges and convictions in years preceding the stalking offense; and property, violent, and other felony charges in years preceding the stalking offense. This finding raises concerns with regard to the handling of misdemeanor stalking cases and questions as to whether prosecutors have sufficient criminal history information on misdemeanor stalkers at the time of prosecution.

The implications of this study are limited by the fact that it reflects data from only one state. Both statutes related to stalking and to protective orders are unique to the jurisdiction studied and cannot be generalized to all states. In addition, secondary analysis of criminal and civil justice histories are inadequate in explaining the complexity of crime. This is particularly true when considering stalking, which is an offense that has a short history in the courts. Secondary data analysis also means that only cases that result in arrest are included in the analysis. Not all victims report stalking, as shown in Bjerregaard (2000) where only 10% of victims contacted police, and reporting a case of intimate violence to law enforcement does not always lead to arrest, as evidenced in the McFarlane, Willson, Lemmey, and Malecha (2000) study of reports to police by 90 abused women, 48% of which were found insufficient to result in charging of the offender. Also, the data sources for this study do not reveal whether stalking charges were amended due to inappropriate application of the charges at the time of the arrest or if they

were amended due to prosecutors' lack of confidence about getting a conviction. It is also possible that stalking is often amended because the pattern-based nature of stalking makes it more difficult to prosecute than incident-based offenses such as harassment or violation of a protective order. Future research should examine reasons for amending stalking charges including prosecutors' ideas about obtaining convictions.

In conclusion, this study addressed a gap in the literature on the court response to stalking, the need for more information about the arrest profiles of persons charged with stalking, and the interplay between criminal and protective order history and case disposition. The study concurred with previous findings (Harmon et al., 1995; Keilitz et al., 1997; Klein, 1996; Meloy, 1996; Mullen & Pathé, 1994; Mullen et al., 1999; Tjaden & Thoennes, 1998) related to criminal and protective order histories among stalkers and highlighted specific areas of prior conviction needing attention, including drug/alcohol related offenses, resisting arrest, threatening-related crimes, and property offenses. Another finding that calls for further study is why cases amended after the initial charge of stalking involved men with significantly greater histories of criminal offenses and charges than cases with an initial guilty disposition or a dismissal. The study reinforced previous findings (Tjaden & Thoennes, 1998) of a high usage rate of protective orders in stalking cases, particularly with felony stalkers, two thirds of whom had protective orders against them. If this many victims seek civil orders as a protective remedy against stalking, additional research on overall effectiveness of stalking laws and their implementation is called for. Additional research is also needed on the specific relationship between the violation of protective orders by stalkers and the efficacy of civil protection against these offenders. Overall, this study showed both strengths and weaknesses of the criminal justice system's response to stalking, the most glaring weakness being the high dismissal rates. Further research should examine factors that may contribute to dismissals and should attend to the impact on victims of having little success when reaching out to the criminal justice system for protection.

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