Changing Stalking Patterns and Prosecutorial Decisions: Bridging the Present to the Future

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Abstract: This article reviews sixty cases from prosecutor’s files in two New Jersey counties. These cases are used to examine and help better define the phenomena of stalking. Selected sample case examples are presented and described in regard to the typology of stalking behavior originally proposed by Dziugelewski and Roberts (1995). Based on these cases, application, modification and refinement of the typology criteria are suggested. The critical need for crisis intervention protocols and specialized anti-stalking units and training are emphasized. It is hoped that this information will help the criminal justice and forensic professional to better understand, assess the dangerousness of, and intervene rapidly and effectively in the phenomena of stalking, and to provide technology to protect victims.

Keywords: stalking, domestic violence, erotomania, typology, technology

Stalking behavior is a problem that needs to be addressed in order to stop the offenders and to protect the victims. According to the National Violence against Women Survey (Tjaden & Thoennes, 2000), 1.4 million people are stalking victims each year. Since this national survey excluded stalking victims under the age of 18 and did not include homeless victims, the estimate is probably as high as 2 million annually. According to this national study, 2.2 percent of men and 8.1 percent of women reported being stalked at some time in their lives (Tjaden & Thoennes, 2000). Based on extrapolating and applying the data to U.S.
Population Reports and the U.S. Census data from 2000 we estimate through calculation that approximately 1.4 million individuals are victims of stalking today. Of these victims, it is estimated that each year there are 1,006,970 females, and 370,900 males who are victims of stalking (Brewster, 2002; Tjaden & Thoennes, 2000; Flynn, 1993; Tharp, 1992). What is most disconcerting is that at least one in every forty individuals may face the probability of being stalked at some time in his or her life (Flynn, 1993; Tjaden & Thoennes, 2000).

Today in 2005, as in the past, stalking receives excessive attention when it involves a famous celebrity. Recognizing this attention doesn’t do much to protect the average person being stalked and in some ways it can be harmful, as it diverts attention from helping those who are less famous and newsworthy. This leaves these less newsworthy individuals as unknown victims. The notion that this only happens to those who are famous is problematic as it can cause the public to label it as a problem only relevant to the rich and the famous.

Many stalking victims actually know the person stalking them. Brewster’s (2002) southeastern Pennsylvania study supports this contention in that of the 187 victims studied the largest percentages of stalkers were former intimate partners. Furthermore, almost two-thirds of the victims interviewed indicated that they had been physically assaulted during their previous relationship with their stalker. Also, approximately 90 percent of the stalking victims reported harassment or threats-of-violence-type phone calls, 79 percent reported repeated instances of being watched by their stalker, and 68 percent of the respondents reported being followed (Brewster, 2002).

Understanding and acknowledging the seriousness of stalking behavior is essential for judges, probation officers, prosecutors, legislators and policy makers, social workers, psychologists, police officers, and researchers in order to obtain background information on the nature and extent of stalking, and the legal remedies. It is also imperative that the seriousness and the ramifications that can result from this type of behavior be made known to the supporting family and community systems on which the survivor depends. To date, there is a scarcity of published articles on the methods of crisis intervention and technology designed to aid stalking victims (Dziegielewski & Roberts, 1995; Roberts & Kurst-Swanger, 2002), and little attention is often given to the serious harm that can result from the stalking experience.

**DEFINITION OF STALKING BEHAVIOR**

Although stalking is not a new phenomenon, a simple definition that incorporates who and what are usually involved, can be illusive. Generally speaking, the definition of stalking usually involves pursuit of the victim, rather than an actual attack (Sohn, 1994). It is important to note, however, in using this limited
definition that the eruption of violence can and often does result during the
stalking process.

In stalking, an individual repeatedly engages in harassing or threatening behaviors to another individual. These behaviors can and often do take the form of threatening phone calls, messages, vandalism, or unwanted appearances outside a person’s home or workplace (Dziegielewski & Roberts, 1995). Often the individual doing the stalking has a history of psychological problems and may thrive on playing psychological games with the victim (Brewster, 2002; Flynn, 1993).

**TYPOLOGY OF STALKING BEHAVIOR**

In an attempt to better understand, define, and therefore treat the victims of stalking, Dziegielewski and Roberts (1995) developed a typology for stalking behavior. There are three major categories: (1) the domestic violence stalker, (2) the erotomania and/or delusional stalker, and (3) the nuisance stalker. It does not include a fourth category of cyberstalking, since their research is based on prosecutor records, and it remains difficult to prosecute these types of cases. In this typology the authors assert that the categories are not expected to be all-inclusive and that it is possible that behaviors and/or categories could overlap. In this way it would be possible for stalkers to exhibit traits from either one or all three of the classifications. Generally, the classification that best describes the majority of the characteristics the stalker exhibits is the domestic violence stalker.

The first type of stalking Dziegielewski and Roberts (1995) described was domestic violence stalking. Here the stalker was generally motivated by the need to establish, continue, or re-establish the domestic relationship, where he/she could have or maintain control over the victim. In this type of stalking, feelings can become so intense that an uncontrollable desire to be close is felt toward the victim. Many times this feeling is so strong that the victim’s feelings and or wishes are totally disregarded. Whether the relationship is one of dating or marriage, thought patterns and statements which reflect an “if I can’t have him/her, no one else can either” are noted. The stalker often reported feeling consumed with intense conflictual emotions of both hate and love. Domestic violence stalking was considered to be the most common, with 75 to 80 percent of the cases meeting this description. It is critically important for all police-based crisis intervenors and prosecutor-based victim assistance counselors to be well-versed on lethality assessments and crisis intervention techniques so that stalking victims can receive immediate protection and timely intervention (Knox and Roberts, 2005).

The second type of stalking behavior identified by Dziegielewski and Roberts (1995) was referred to as erotomania or delusional stalking. Here the motivation
for the relationship was based on the stalker's fixation with someone he or she cannot have (e.g., doctor, local FBI agent, anchorman and/or anchorwoman, or simply someone who represents the unobtainable ideal). Generally, the target person was someone who was considered to be of higher status than the stalker. In this type of stalking, however, it is important to note that even though the victim is the center of attention, other persons close to the victim may also be in danger, particularly if the loved one is viewed by the stalker as coming between the erotomania or delusional stalker and her/his target (Leong, 1994). Therefore, potential targets by the stalker may be unanticipated victims such as close friends or relatives.

The third type of stalker identified by Dziegielewski and Roberts (1995) was nuisance stalking. In this type of stalking the victim is targeted and continually harassed by the stalker. Interaction attempts are often made through use of the telephone or other means of contact such as the internet. Here the stalker might call the victim and hang up, use obscene language, or simply verbally torment and harass the victim. In an attempt to be in proximity of the targeted victim, continuous physical appearance at the target's residence, place of employment, or other public place(s) might also occur. There have also been numerous reported cases of contact through the mail with unsigned letters or cards. Regardless of the type of stalking behavior exhibited, it is important to note that the stalker may not realize that what he/she is doing is harassment. Furthermore, it is highly possible that the activity of stalking in itself can be viewed as an addiction. Anderson (1993) reported that not only did several stalkers find the experience exciting; several also perceived it as challenging entertainment. These individuals cannot resist the impulse to engage in this type of behavior.

In summary, a typology of stalking behavior can help professionals to comprehend and possibly anticipate the behaviors that the stalker may exhibit. Understanding this schema becomes essential in predicting future behavior. Individuals can and do distort reality based on how it is perceived, and these cognitive distortions can result in negative feelings, maladaptive behaviors, and, if carried to the extreme, psychopathology (Liese, 1994). Many times the stalker truly believes that his/her interpretation of what has happened is the valid one. And many times, based on the schema subscribed too, the need for revenge against the target that is now repelling the attention may be initiated.

METHODOLOGY

A sample of sixty cases was gathered from two highly populated New Jersey counties during the spring of 2002. These cases, gathered from a local prosecutor's files, were examined from both a quantitative and qualitative perspective.
Cases were selected and sorted into stalking categories based on the typology designed by Dziegielewski and Roberts (1995). Although all cases were categorized, to assist with brevity only several cases will be examined in depth. The purpose was to assess whether the typology designed by Dziegielewski & Roberts (1995) could be applied as the basis for a categorical diagnostic system that would aid in treatment.

Basic demographic characteristics of the sample are included in Table 1. As can be seen, consistent with previous literature on stalking, the primary stalker is male (n = 56), and the primary victim female. In this sample, marital status was an important predictor within the typology. It appears that being in a legally noncommitted status (e.g., single or divorced) seemed to predominate within the stalking arena. In this sample, legally noncommitted adults made up 67 percent (n = 40) of the stalkers, and similarly resulted in 73 percent

<table>
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<th>Table 1: Demographics on New Jersey stalking cases</th>
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<td>Females</td>
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<td><strong>Marital status</strong></td>
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<td><strong>Occupation of stalker</strong></td>
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<td>Construction/ laborers</td>
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<td>Doctors (M.D./Ph.D.)</td>
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<td>Mechanics</td>
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<td>Postal/mail clerks</td>
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<td>Restaurant owners</td>
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<td><strong>Weapons used in the attack</strong></td>
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<td><strong>Sample typology of stalking cases</strong></td>
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<td>Domestic violence stalking</td>
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<td>Delusional or erotomania stalking</td>
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of the victims \( (n = 43) \). Relationship to the victim primarily consisted of individuals who were in a current relationship or had previously had an intimate relationship with the stalker. Those in a current or previous relationship with the stalker accounted for 80 percent \( (n = 48) \) of the sample. Occupational status varied, with members of the sample coming from a varied range of income and job status levels. In addition, eight of the cases were documented as having "forced sex," all of which involved some type of domestic violence. When stalking was related to alleged rape, the perpetrator was known to the victim and a mutual dating or marital relationship had existed at some time in the past. In 23 percent of the cases \( (n = 14) \) weapons were used that resulted in serious injury to the victim. Based on the case information provided and the criteria for the typology reported, sample cases were placed into two categories: 54 domestic violence stalking cases, and 6 erotomania or delusional stalking cases. In this sample, no cases were believed to fall under the nuisance stalking category. Although the exact reason for this can only be postulated, it is possible that many of the cases in this category are not prosecuted and therefore unreported. These cases would not appear in this sample because these individuals may not have faced charges, as the offenses were not considered serious enough or there was not enough concrete evidence to prosecute.

CASE PRESENTATIONS AND DISCUSSIONS

Consistent with the stalking laws enacted by the mid-1990s, the majority of the cases in this sample \( (n = 54) \) were placed in the area of domestic violence stalking. In all of these cases the stalker’s behavior appeared to be desperate attempts to establish, continue, or re-establish a domestic intimate relationship. The issue of gaining and maintaining control over the victim’s behaviors and emotions was considered essential. In several cases of this type of stalking, feelings often became so intense that an uncontrollable desire directed toward the victim erupted in violence. Many times this feeling was so strong that the victim’s feelings, wishes, or matters of personal safety were totally disregarded. Specific case examples in this category follow. The names and other identifying information have been altered to protect the identities of the stalkers and the victims involved.

Case 1: Mike and Julia

Mike and Julia met in the late 1990s. Within six months Mike proposed marriage to Julia, and with the engagement the couple secured an apartment and moved in together. Julia stated that their relationship was a pleasant one and stated the Mike appeared to be the “perfect gentleman.” Julia was pleased
with the relationship thus far, but was not sure she wanted to finalize the commitment. She told Mike about her feelings and her desire to wait to be married. An argument ensued and Julia ended up breaking off the relationship and leaving the apartment. According to the record, the next day Mike started calling her incessantly. He left numerous messages on her answering machine and at her place of work. He pleaded and begged her to come back to him. Julia had moved back home with her parents and had noticed Mike’s car driving past the house repeatedly. Finally, Julia got a restraining order against Mike, prohibiting any contact. Mike continued to call her, now threatening to kill her if she did not get back together with him. At one point, Mike convinced Julia to meet him and talk things over. When she appeared, Mike began insulting her and telling her he would kill her. Julia went home and continued to receive threatening phone calls from Mike. Very scared, Julia turned on her answering machine and recorded Mike threatening her. She brought the tape to the prosecutor’s office and had Mike arrested. Mike was indicted on charges of terrorist threats and criminal coercion. The local newspaper again did not run any articles depicting the occurrence until he was convicted of the criminal charges.

Case 2: Donald and Patricia

Donald and Patricia met in 1998 and were married later in the same year. According to Patricia, Donald was never physically abusive, however, he often was very controlling of her, monitoring and approving her usual daily activities. Since the start of the marriage, Donald assumed a directive role and did not allow Patricia to participate in much of the couple’s planning. He was said to also be very critical of her appearance, commenting negatively on what she wore and how she looked in it. Donald was very stubborn and when he didn’t get his way immediately he became so persistent that Patricia usually gave in. She reported that once when they were dating Donald refused to go home and slept on her front porch until she gave in.

At one point during a disagreement, Donald made her get out of the car on the interstate highway in a bordering state. Patricia was forced to find a car rental agency and make arrangements to get home on her own. When she returned home, Donald was furious that she had rented a car. He screamed angrily and pushed her against the wall. Patricia called the police and had Donald arrested. Donald was ordered into a treatment program to help control his violent tendencies. Soon after this incident the couple united again for “another try.”

A month later, Donald intensified his feelings of jealousy and suspiciousness toward Patricia and accused her of having an affair. Patricia denied having
an affair; however, this did not seem to affect Donald's behavior. According to Patricia it was about this time that Donald's abuse of alcohol increased. Donald became so consumed by his belief that she was having an affair that he constantly started going to her place of employment and watching her. According to her testimony, he watched every person she conversed with, especially the males. Patricia decided she could not stand this behavior any longer and left him upon getting a restraining order against him. After their separation, Donald broke into her home while she was at work and stole some of her personal belongings. He then left her a threatening note telling her that if she saw someone else he would physically harm her. On that same day he went to her place of employment and smashed in her automobile windshield.

Patricia pressed charges in the incident and Donald was ordered to have a psychological evaluation. The evaluation reported that Donald was basically stable, and he appeared extremely distraught with the worry that Patricia was cheating on him. Donald also had prior convictions for possession of marijuana and cocaine, and for damaging property. In this case, Donald was found guilty of contempt of court. The other charges of simple assault, terrorist threats, and burglary were downgraded to disorderly persons. In closing, Patricia commented that she remained concerned about her future safety based on Donald's unstable, erratic, and unpredictable behavior.

Case 3: Ken and Sharon

One of the most serious cases in the files was that of Ken and Sharon. They met in January 1999 and were married approximately one month later. According to the record, Sharon stated that Ken had always abused alcohol quite heavily, but was never cruel or hostile toward her. He did, however, always appear suspicious and somewhat watchful of her movements. Before they completed their first month of marriage an incident occurred that ended their short courtship and marriage.

On this day Ken began drinking early in the day. He was drinking whiskey from the bottle. In the afternoon the couple decided to go for a drive in the park. They stayed in the park for a few hours where Ken continued drinking whiskey from the bottle. Sharon drove home to their apartment because Ken was too intoxicated. Upon entering the house, Ken locked all the doors and told Sharon to help him to bed. When they got to the bedroom, Ken told Sharon to take off her clothes and lie on the bed. Sharon complied with Ken's request. Ken then began telling Sharon that he loved her so much that he could kill her. He slapped her across the face twice, and again stated that he loved her so much he could kill her. He threw Sharon onto the bed and started choking her.
Ken was a large man compared to Sharon. He choked her to the point that she lost consciousness and urinated on herself.

When she woke up Ken was still standing over her, telling her he was going to kill her. He stated that he was going to kill her because it was the only way he could show his love for her. Sharon reported that she lost consciousness several times and once when she came to she told him to “get it over with.” Ken told her to stop crying and everything would be okay in a few minutes. Sharon was able to break free and hit him in the groin with her knee. Still naked, she ran for the door. When she couldn’t open the door she smashed the window with her hand and opened it to escape. She ran into the street screaming, got to a neighbor’s home, and the police were telephoned.

Ken was indicted on charges of aggravated assault and terrorist threats. The grand jury also indicted him on attempted murder. The story was not carried in the local papers until Ken was indicted by the grand jury. While Sharon had testified that she lost consciousness at least twice during the assault, police told the newspaper that she “felt herself losing consciousness.”

Case 4: Linda and Robert

In the case of Linda and Robert, Linda was the defendant in this domestic violence stalking case. Linda and Robert had dated for one-and-a-half years. During this time they had a child together. Robert says their relationship was strong until the birth of their daughter. After the birth of the child, Linda constantly accused Robert of being unfaithful. She began calling him several times a day while he was working, just to say “hello.” Robert believed that Linda was not properly caring for their child and he told her so. Upon hearing this, Linda threw down the baby and hit Robert in the head with a large frying pan. Robert got a restraining order against Linda and was granted custody of their daughter. Linda was granted restricted visiting rights. On one visit Linda became so angry that she punched Robert in the chest, and also hit his sister in the mouth. After that Linda was only allowed to visit the baby when a mediator was present.

Robert reported that Linda followed him down a highway very closely and at a very high rate of speed. When Robert pulled into his driveway, Linda pulled in after him, backed out, and then pulled away. After this incident Linda followed him three more times before Robert called the police and she was arrested. One night, Robert and his new girlfriend were at his house watching a movie. After deciding they were hungry they began to leave the house. As they were walking to the car, his girlfriend noticed a car down the street with the headlights off. As they got closer to Robert’s car the car down the street revved its engine and started speeding toward them. Robert jumped out of the way of the vehicle.
but his girlfriend was not as lucky. She got pinned between the vehicle and the garage, seriously injuring her leg. Linda was caught by the police and charges were subsequently filed.

Cases of stalking like these are fairly common. In these cases the typology described by Dziegielewski and Roberts (1995) appears helpful in understanding, anticipating, and predicting stalking behavior. In these cases, each stalker desperately wanted to maintain the relationship with the partner. Each stalker wanted to be in the position of control and seemed to resent and openly discourage his/her partner from initiating self-power over the events that happened. In so many of these cases, the stalkers were so intent on continuing the relationship that this desire became morally and socially uncontrollable. At times, the desire to control was so intense that tactics toward coercion included harming the victim, if need be, to get compliance.

In this sample of 54 cases that fell into the area of domestic violence stalking, 52 of the cases reflected similar aspects of the typology described. Whether the relationship was one of dating or marriage, irrational thought patterns and statements which reflect an “If I can’t have him/her, no one else can either” were exhibited. Feelings of love and violence became so entwined that as exhibited in one case they were perceived as equal. To show his love the stalker believed he must kill his victim.

Case 5: Father and Son

Because of its unusual nature, and the fact that it does not completely fall under the general area of domestic violence stalking as outlined by Dziegielewski and Roberts (1995), a fifth case is presented here. This case involved Mike, the father of a 17-year-old named Joe. When Joe told his father that he was gay, his father reacted by refusing to talk to him for a week. The father reportedly watched the son continually but refused to speak to him. Joe believed that his father was watching him at times when he left school, but he could not be sure. One day Mike was openly waiting for his son when he got out of school. He picked up Joe and took him to several different bars. Although Joe did not drink, Mike proceeded to drink heavily until he became intoxicated. The father’s behavior was embarrassing and at one point during this evening the father tried to set his son up with a gay bartender.

They did not arrive home that night until 3:00 a.m. Mike told Joe he was going to make a man out of him. He also made his son do a line of cocaine while he himself did six lines. The father mumbled something about being in the mafia and pulled out his gun. He pointed the gun at Joe and the gun went off. The bullet came close but missed hitting Joe and lodged in the wall. Afterward,
Joe filed a complaint against his father. According to the record, there was no conversation between the son and either of his parents during the pretrial period. At the trial, Joe appeared frightened and retracted his initial statement and dropped all charges against his father. The case was closed.

This case is presented because of its unusual nature and how it doesn’t quite fit in the general definition of the domestic violence stalker as presented by Dziegielewski and Roberts (1995). Most domestic violence cases are between partners not parents and siblings. As evidenced in this study, only one out of fifty-four cases fell into this area. However, these cases can and do exist. In this sense modification to the definition of domestic violence stalking made by Dziegielewski and Roberts (1995) is suggested to include situations of family violence that may also include stalking behavior.

Although these types of cases are not nearly as common as those between partners, they can and do exist. Siblings may exhibit stalking behavior of each other and so may parents or parents and children. As the traditional definition of the family changes so can the societal response to it. It appears that domestic violence stalking might be better subdivided into two areas: partnership and familial.

**EROTOMANIA OR DELUSIONAL STALKING**

Erotomanic delusions are also known as transient psychotic episodes, in which the stalking perpetrator is convinced that the person who is the object of his/her unwanted passion and affection reciprocates his or her affection and, given time, will share his or her passionate desire for intimacy. Crisis intervention, low doses of antipsychotic medication, and psychotherapy may be helpful, provided the perpetrator is medication compliant (Mullen et al., 2001; Knox & Roberts, 2005). An example follows.

**Case 6: David and Cousin Julie**

David’s cousin Julie was 21 when he started stalking her. Julie was the prom queen when she graduated high school, and at age 20 won the beauty contest at her local county fair. David was seven years older than Julie, and during childhood and adolescence he only saw her once or twice a year at family gatherings. After David’s wife divorced him, he was incarcerated for attempted murder of his ex-wife. During this indictment he pled down to aggravated assault and received an 18-month sentence. From prison he started writing love letters to Julie. He seemed to have a repeated dream that he was having wil
sex with Julie, and would have 30-minute continual orgasms. In the midst of the imaginary multiple orgasms, Julie and David would be strangling each other. Soon after David was released from prison, he started calling Julie and told her to meet him at the Red Roof Inn near her house so they could give each other the 30-minute multiple orgasms. Julie became terrified and got a restraining order against David.

Unfortunately, Julie lived in an area where the police department did not have an anti-stalking unit, and the officers were not familiar with the latest stalking investigation techniques. David was arrested three times in his attempts to reach Julie. Eventually Julie moved from the area and has warned all her family members not to facilitate any contact efforts by her cousin David. What happened in Julie’s case is unfortunate, as she was forced to alienate herself from family and friends to be sure to stay away from her cousin. Unfortunately, she also did not have the benefit of a 24-hour crisis intervention hotline or trauma therapist.

Today help for the stalking victim and understanding the typology of the stalker has improved. This is evidenced by the fact that there are a growing number of investigative and prosecution specialists in different parts of the country. For example, the Nashville Metropolitan Police Department in Tennessee aggressively investigates stalking suspects with the latest counter-stalking technology, such as self-contained phone traps, cellular phones, VCR kits, GPS Tracking Systems, and silent hostage alarms (Roberts & Kurst-Swanger, 2002). The police departments and prosecutor’s offices in Dover, New Hampshire and Chicago, Illinois are also collaborating in utilizing vertical prosecution, cellular phones, pendant alert link alarms, protective orders, and safety plans to optimize the protection and safety of domestic violence and delusional stalkers (Roberts & Kurst-Swanger, 2002; Wattendorf, 2000).

CONCLUSION

In this article, sixty cases from prosecutor’s files in two New Jersey counties were reviewed. These cases were examined in an attempt to better describe and define the phenomena of stalking. The selected case examples were presented and described in regard to the typology of stalking behavior originally proposed by Dziegielewski and Roberts (1995). Based on the information analyzed from these cases one modification to the typology is suggested. It is believed that as family structure, roles, and behaviors continue to change, so may the incidence and prevalence of familial stalking. Although this type of stalking may be rare it can and does occur. Perhaps it would be best to modify domestic violence stalking into two subtypes: one in which the partner is the target and another in which the target may be a family member or a relative.
In closing, it is important to remember that the identification and treatment of stalking is a relatively new phenomenon, with a focus on societal identification and recognition arising primarily within the last twelve years. Many times the cognition of the stalker may be systematically distorted, and simple things that the victim does may have been misrepresented or misunderstood by the stalker. By learning to understand stalking behaviors we can begin to anticipate the dysfunctional thought patterns that may surround this type of systematic thinking distortions and obsessions. It is critically important for all police-based domestic violence and crisis intervention units to be trained in rapid assessment and crisis intervention protocols so that safety concerns and crisis precipitants of stalking victims can be addressed quickly and effectively (Knox and Roberts, 2005).

REFERENCES


