

**IS THIS STALKING?  
A COMPARISON BETWEEN LEGAL AND COMMUNITY  
DEFINITIONS OF STALKING**

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## Introduction

The criminal law aims to protect the values and interests that are fundamental to that society (Findlay, Odgers & Yeo, 1999) and also offers cues for acceptable behaviour that respects the community's interests and the individuals within it (Melton, 1992). As president of the American Psychology-Law Society in 1991, Melton (1992, p. 385) argued that:

*If the law is to confirm the importance of the individual, then the meaning of the ideas in the law should match common understanding, the assumptions in the law should not falsify or mystify experience, and the law should protect those interests that are most critical subjectively to maintenance of dignity.*

The purpose of this paper is to examine the extent to which the meaning of some of the ideas within stalking laws match the understanding of stalking in the community and whether these laws reflect the interests of those whom they are supposed to protect. Since its introduction the purpose of stalking laws have been debated and the elements used to define it have been at times amended. While stalking legislation differs in each jurisdiction in Australia, in most jurisdictions the element that distinguishes stalking from non-stalking behaviour is intent. That is, a person is only criminally liable if he or she engaged in the behaviour with the intent to cause fear or apprehension or mental harm or physical harm to the target.

However some jurisdictions have argued that it is too difficult to prove whether the accused intended to cause fear or harm to the target, or have argued that the intentions of the stalker are irrelevant. These jurisdictions have devised legislation that relies on whether fear or harm to the target might reasonably arise in the circumstances, or have devised legislation based solely on the actions engaged in without reference to intent to cause fear or harm, or consequences. The issue to be addressed in this paper is what the common understanding of stalking is. Does the community define stalking according to the actions alone, the intention to cause fear or harm, the consequences, or some combination of these elements? A second issue is whether members of the community deem that acts perceived as harassing or intrusive, even if those acts constitute only a mild disturbance, warrant the protection of the criminal law.

If laws are to match common understanding and not mystify experience (Melton, 1992) it is important to establish how members of the community understand and interpret intent to cause fear or apprehension, or mental harm or physical harm. While arguments have been presented to suggest that intent is difficult to prove, little is known of the lay person's understanding of intent in the context of stalking laws or when they perceive it to be present. The distinction, if any, between fear and mental harm is difficult to make. Whether members of the community draw some distinction between fear and mental harm is important to examine in order to review the clarity and potential appropriateness of the law.

In an earlier study where the effect of explicit evidence of intent to cause fear or harm, consequences to the target and the relationship between the accused and target on community perceptions of stalking was studied, even when there was no explicit evidence of intent to cause fear or harm to the target, and even when the target did not in fact experience any fear or harm but rather an invasion of privacy, the behaviour was still perceived as stalking (Dennison & Thomson, in press). One explanation of these findings is that, in that study, a high degree of persistence was depicted in the scenario.

In order to gain a broader understanding of community perceptions of stalking, a second study was conducted varying the persistency and intrusiveness of the accused's behaviour to further delineate the type of conduct the community perceives as stalking and the relative importance of intent.

## Method

### *Design*

The research design was a 2 X 2 X 3 X 3 between subjects, making a total of 36 conditions. The independent variables were explicit evidence of intent (present, absent), consequences to the target (extreme fear, moderate fear, no fear), relationship between the accused and target (stranger, ex-intimate, acquaintance) and persistence (moderate, low).

### *Participants*

There were 1080 participants in the study, 30 participants in each of the 36 conditions. The 1080 participants comprised 383 males and 685 females (a further 12 participants did not indicate their sex). The ages of participants ranged from 18 to 87 years. The mean age of males was 33.88 years ( $SD = 12.83$ ), and the mean age for females was 30.68 years ( $SD = 12.16$ ). All participants were members of the Melbourne (Victoria, Australia) community and were approached in public spaces such as shopping malls and pedestrian areas and invited to participate in the study. All participants were treated in accordance with the ethical guidelines of the Australian Psychological Society.

### *Materials*

Participants read a 4-page scenario depicting a male accused of stalking a female target over a period of 5 months. In our earlier study the frequency of the alleged stalking was classified as *high persistence*. In the present study there were two levels of persistence, consisting of *moderate persistence* and *low persistence*. In the *moderate persistence* condition the alleged stalker is accused of following the target to work approximately 10 times during the five-month period. The target complains that every second Friday the accused would appear behind her while she was walking and walk either a few steps behind her, from a distance of about 10 metres, or parallel to her on the opposite side of the street.

The target also claimed that the accused had made four hang-up phone calls to her over one month. A caller identification function on the target's phone indicated the phone number of the caller, which was later identified as belonging to the accused. The target also reported that on three occasions the accused appeared at the same restaurant or café at which she was eating. On one occasion when the target attended a movie by herself, the accused also attended the same movie, sitting two rows behind her. The *low persistence* condition differed from the *moderate persistence* condition in that the target did not receive any hang-up phone calls.

The manipulation of intent, relationship and consequences were the same as in the previous study (Dennison and Thomson, in press). There were two versions of intent, one where there was explicit evidence of intent to create fear or apprehension, or mental harm or physical harm to the target, and one where this explicit evidence was absent. Intent was depicted by a threatening message on the target's answering machine and the discovery of the accused's diary which included entries detailing the his intention to cause fear in the target.

With respect to consequences to the target, in the *extreme fear* condition, the target is terrified by the behaviour, increases personal security, is unable to function properly at work, and makes a number of life changes. In the *moderate fear* condition, the target becomes increasingly frightened and increases personal security. In the *no fear* condition, the target experiences annoyance and frustration by the alleged stalker's persistent behaviour but indicates that she is not afraid of him and experiences feelings of resentment at the invasion of her privacy.

The accused is depicted as being either (1) A stranger who bumped into her in the street and subsequently contacted her and invited her out, to which she declined; (2) An ex-boyfriend who the target had dated for 12 months, she felt that he was possessive and broke up with him, there was no violence involved in the relationship; (3) An acquaintance who worked in the same office as the target, he had invited her out and she had declined. The harassing behaviour begins after the relationship break-up in the ex-intimate scenario, or in the case of the stranger and acquaintance, after the offer for a date was declined.

Participants completed a questionnaire on their perceptions of the events in the scenario. Items in the questionnaire included: (1) Whether the behaviour described in the scenario was stalking (No/Yes); (2) Whether it should be illegal for someone to behave the way the accused did (No/Unsure/Yes); (3) Whether the accused intended to create fear or apprehension in the target (No/Unsure/Yes); and (4) Whether the accused intended to cause mental harm or physical harm to the target (No/Unsure/Yes);

### *Procedure*

The task required approximately 20-30 minutes to complete. Participants were randomly assigned to read one of the 36 vignettes. Participants were also supplied with a reply-paid envelope to return the completed questionnaire. Two thousand, seven hundred and fifty questionnaires were distributed in the Melbourne community, 1145 were returned, providing a response rate of 42%. As 1080 completed questionnaires were required for this study, once each cell had 30 participants in it any remaining questionnaires were not included in the analysis. An effort was made to minimise missing data by replacing any questionnaires containing three or more unanswered questions with spare, returned questionnaires.

### **Results**

To examine the effects of each of the independent variables (IVs) logit log-linear analysis was conducted. A saturated logit model was originally conducted to screen for significant variables and to eliminate those variables that did not contribute to the model. A nonhierarchical logit analysis was then conducted. Frequencies in some analyses do not add up to 1080 as some participants failed to respond to certain questions.

### *Perceptions of Stalking*

A logit model of perceptions of stalking produced a good fit between observed and expected frequencies, likelihood ratio  $G^2(24) = 20.39$ ,  $p = .675$ . Accuracy in prediction from the model is reasonable, with concentration = .26, indicating that 26% of the variation of responses was predicted from the model. A summary of the model with log-linear parameter estimates in raw and standardised (z) form appears in Appendix A.

Collapsing across all conditions, 83% of the participants perceived the behaviour of the accused to be stalking.

The manipulation of intent contributed significantly to predicting perceptions of stalking. When explicit evidence of intent was present 96.8% responded that the behaviour was stalking whereas when explicit evidence of intent was absent only 69% responded that the behaviour was stalking. This variable of intent contributed the most to the logit model, with the highest coefficient. This finding suggests that the behaviour is not perceived by as many as stalking when explicit evidence of intent is absent.

Persistence also contributed significantly to perceptions of stalking and made the second highest contribution to the model. When the conduct was of moderate persistence 90% of participants responded that the behaviour was stalking. However when conduct was of low persistence there was a 14% reduction in the behaviour being perceived as stalking. Despite this reduction even when persistency is low, occurring once a fortnight and in the absence of hang-up phone calls, the majority of participants still identify the behaviour as stalking.

Although there was no significant association between intent and persistence in the model ( $z = -1.59$ ), responses for stalking when there was an absence of explicit evidence of intent and persistence was low were examined (see Table 1). When explicit evidence of intent was present there was no difference in perceptions of stalking between the moderate and low persistence conditions, with almost all participants identifying the behaviour as stalking. When there was an absence of explicit evidence of intent perceptions of stalking reduced by approximately 14% in the moderate persistence condition from when intent was present. When explicit evidence of intent was absent in the low persistence condition perceptions of stalking reduced by approximately 42% from when intent was present, such that only about half of the participants in this condition identified the behaviour as stalking.

Table 1  
*Frequencies for perceptions of stalking as a function of intent and persistence*

Intent	Persistence	Stalking Decision	
		No	Yes
Explicit Intent	Moderate	7 (2.6)	263 (97.4)
	Low	10 (3.7)	259 (96.3)
	Total	17 (3.2)	522 (96.8)
No Explicit Intent	Moderate	44 (16.7)	220 (83.3)
	Low	118 (45.2)	143 (54.8)
	Total	162 (30.9)	363 (69.1)
Total		179 (16.8)	885 (83.2)

Note. Values in parentheses represent percentages.

An association between persistence and relationship also contributed significantly to the model. With moderate persistence, it made very little difference what the relationship was, 89.4, 89.3, and 92.4. When there was low persistence, the pattern is a reduction in the percentage of persons who classified the behaviour as stalking, 89.4 v 79.5, 89.3 v 83.1, 92.4 v 64.8, the reduction in classifying low persistent behaviour as stalking being much greater for the acquaintance condition.

Table 2  
*Frequencies for perceptions of stalking as a function of persistence and relationship*

Persistence	Relationship	Stalking Decision	
		No	Yes
Moderate	Stranger	19 (10.6)	160 (89.4)
	Ex-intimate	19 (10.7)	159 (89.3)
	Acquaintance	13 (7.3)	164 (92.4)
Low	Stranger	36 (20.5)	140 (79.5)
	Ex-intimate	30 (16.9)	148 (83.1)
	Acquaintance	62 (35.2)	114 (64.8)
Total		179 (16.8)	885 (83.2)

Note. Values in parentheses represent percentages.

### *Perceptions of Whether Behaviour Should be Illegal*

Perceptions of whether the behaviour should be illegal corresponded relatively well with classifications of stalking. Of the 883 participants who responded that the behaviour was stalking, 82.7% responded that the behaviour should be illegal, 14.2% were unsure and 3.2% responded that the behaviour should not be illegal. Of the 176 participants who did not perceive the behaviour as stalking, 5.1% responded that the behaviour should be illegal, 22.2% responded that they were unsure and 72.7% responded that the behaviour should not be illegal. These differences were significant,  $\chi^2(2, N = 1059) = 614.54, p < .001$ . It is interesting that a small percentage of participants responded that the behaviour should be illegal and almost one quarter were unsure whether it should be illegal given that they responded that the behaviour was not stalking. Perhaps participants were unclear as to what constitutes stalking, but nevertheless perceived the behaviour as unacceptable and possibly warranting legal intervention.

### *Perceptions of Intent to Create Fear or Apprehension*

A logit model of participants' perceptions of whether the accused intended to cause fear or apprehension (FEAR) produced a good fit between observed and expected frequencies, likelihood ratio  $G^2(40) = 51.29, p = .109$ . Accuracy in prediction from the model is reasonable, with concentration = .18. Therefore the model predicts 18% of the variation in perceptions of intent to arouse fear or apprehension. A summary of the model with log-linear parameter estimates in raw and standardised (z) form for significant associations appears in Appendix B.

Almost half (46.5%) of the participants perceived that the accused intended to create fear or apprehension to the target, with 31.5% responding that they were unsure and 22% indicating that the accused did not intend to create fear or apprehension.

The manipulation of intent contributed significantly to the model. When explicit evidence of intent was present 71.6% responded that the accused intended fear or apprehension, 20.4% were unsure and 8% responded no, whereas when explicit evidence of intent was absent only 21.4% responded that the accused intended to create fear or apprehension, 42.6% were unsure and 36.1% responded no. This variable of intent contributed the most to the model, with the highest coefficient (see Appendix B). Perceptions of intent to arouse fear or apprehension were significantly reduced when explicit evidence of intent was absent compared with when it was present.

The offender-target relationship also contributed significantly to the model of perceptions of whether the accused intended to create fear or apprehension. Participants more frequently responded that the accused intended fear or apprehension when the accused was an ex-intimate (53.8%) compared with when the accused was a stranger (42.1%) or acquaintance (43.6%).

There was a significant association between intent and offender-target relationship. As can be seen in Table 3, there was a trend for more participants to perceive the ex-intimate as intending to create fear or apprehension compared with the stranger and acquaintance when explicit evidence of intent was present and when this explicit evidence was absent. This difference however, appears to be greater when explicit evidence of intent is absent.

Table 3

*Frequencies for perceptions of intention to create fear or apprehension as a function of relationship and intent.*

Intent	Relationship	Intention to create fear or apprehension		
		No	Unsure	Yes
Explicit Intent	Stranger	18 (10.0)	41 (22.8)	121 (67.2)
	Ex-intimate	13 (7.3)	29 (16.3)	136 (76.4)
	Acquaintance	12 (6.7)	40 (22.2)	128 (71.1)
	Total	43 (8.0)	110 (20.4)	385 (71.6)
No Explicit Intent	Stranger	69 (38.5)	80 (44.7)	30 (16.8)
	Ex-intimate	44 (24.6)	79 (44.1)	56 (31.3)
	Acquaintance	81 (45.0)	70 (38.9)	29 (16.1)
	Total	194 (36.1)	229 (42.6)	115 (21.4)
Total		237 (22.0)	339 (31.5)	500 (46.5)

Note. Values in parentheses represent percentages.

The model also produced complex interactions between persistence, consequences and intent and also between persistence, consequences and relationship however they will not be discussed here given the time constraints and that, with one exception, they contributed less to the model of predicting perceptions of intent than did the main effects of intent and relationship and the association between intent and relationship as illustrated by the size of the coefficients for significant parameters (see Appendix B).

Significantly fewer participants responded that the behaviour was stalking when they believed that the accused did not intend to create fear or apprehension,  $\chi^2(2, N = 1060) = 256.22, p < .001$ . Of the 496 participants who responded that the accused did intend to create fear or apprehension in the target, 98.6% classified the behaviour as stalking. Of the 331 participants who were unsure whether the accused intended to create fear or apprehension, 82.8% classified the behaviour as stalking. Only 51.1% of the 233 participants who responded that the accused did not intend to arouse fear or apprehension in the target classified the behaviour as stalking. This finding suggests that for many people the intention to create fear or apprehension is not a necessary feature of stalking, particularly given the number of participants who were unsure whether intent was present and yet still identified the behaviour as stalking.

#### *Perceptions of Intent to Cause Mental or Physical Harm*

A logit model of perceptions of whether the accused intended to cause mental harm or physical harm to the target (HARM) produced a good fit between observed and expected frequencies, likelihood ratio  $G^2(42) = 36.79, p = .699$ . Although the model produced reasonable frequencies, accuracy in prediction from the model is still relatively low, with concentration = .10. Therefore only 10% of the variance in responses is predicted by the model. A summary of the model for HARM with log-linear parameter estimates in raw and standardised (z) form for significant associations appears in Appendix C.

Only 29.8% of participants responded that the accused intended to cause mental harm or physical harm to the target, with 37.9% indicating that they were unsure whether this intent was present and 32.3% indicating that this intent was not present. These responses show a marked difference from perceptions of intent to create fear or apprehension, with fewer participants perceiving intent to cause mental or physical harm. Part of the reason for this occurrence may be that the manipulation of explicit evidence of intent involved more of an intention to create fear rather than actual physical

harm. However, participants were requested to indicate whether the accused intended *mental harm* or *physical harm*, therefore it appears that participants may be unsure what mental harm actually constitutes given that they more readily recognised the intent to create fear rather than mental harm.

The presence or absence of explicit evidence of intent contributed the most to the model, with the highest coefficient (see Appendix C). When explicit evidence of intent was present 47.0% of participants responded that the accused intended to cause harm, 33.8% were unsure and 19.2% indicated that this intent was not present. In contrast, when explicit evidence of intent was absent only 12.6% indicated that intent to cause harm was present, 42.0% were unsure and 45.4% indicated that this intent was not present.

Persistence also contributed to the model of perceptions of intent to cause mental or physical harm. More participants in the low persistence condition (37.3%) responded that the accused did *not* intend to cause harm to the target compared with those in the moderate persistence condition (27.3%). In the low persistence condition 35.3% were unsure and 27.5% indicated that this intent was present. Similarly, when the conduct consisted of moderate persistence 40.6% were unsure and 32.1% indicated that intent to cause harm was present. It appears that the degree of persistence is used to some extent to infer the intentions of the accused.

The offender-target relationship also contributed significantly to the model, although variations in responses between the relationship conditions did not contribute as much to the model as the intent manipulation (see Appendix C). In the ex-intimate condition 33.8% responded that the accused intended to cause mental harm or physical harm to the target, 38.0% were unsure and 28.2% responded that intent was not present. In the stranger condition 28.5% responded that intent was present, 40.2% indicated that they were unsure and 31.3% indicated that it was not present. When the accused was an acquaintance 27.1% responded that intent was present, 35.5% were unsure and 37.4% responded that intent was not present. Therefore when the accused was an ex-intimate, participants were more likely to respond that intent was present compared to the other relationship conditions, although the differences are not large.

There was a significant association between consequence and relationship, which was strongest when the consequences consisted of moderate fear. Frequencies are provided in Table 4. When the consequences consisted of extreme fear there was a tendency for more people in the ex-intimate condition to perceive that the accused intended to cause harm, particularly in comparison to the acquaintance condition. When the consequences consisted of moderate fear more participants responded that intent to cause harm was present when the accused was an ex-intimate compared with when the accused was a stranger or acquaintance. Likewise more participants in the acquaintance condition than the stranger or ex-intimate conditions responded that the accused did not intend to cause mental harm or physical harm to the target when the consequences consisted of moderate fear. Participants in the stranger condition were more often unsure whether the accused intended to cause mental or physical harm to the target in the moderate fear condition. In the no fear condition there were no apparent differences between the relationship conditions. Although significant this association was not as strong as the main effect of intent and therefore differences are not as large.

Table 4

*Frequencies for perceptions of intention to cause mental harm or physical harm as a function of consequences and relationship*

Consequences	Relationship	Intention to cause harm		
		No	Unsure	Yes
Extreme fear	Stranger	42 (35.0)	41 (34.2)	37 (30.8)
	Ex-intimate	31 (25.8)	47 (39.2)	42 (35.0)
	Acquaintance	43 (35.8)	44 (36.7)	33 (27.5)
	Total	116 (32.2)	132 (36.7)	112 (31.1)
Moderate fear	Stranger	29 (24.6)	58 (49.2)	31 (26.3)
	Ex-intimate	34 (28.3)	41 (34.2)	45 (37.5)
	Acquaintance	44 (37.3)	42 (35.6)	32 (27.1)
	Total	107 (30.1)	141 (39.6)	108 (30.3)
No fear	Stranger	41 (34.2)	45 (37.5)	34 (28.3)
	Ex-intimate	36 (30.5)	48 (40.7)	34 (28.8)
	Acquaintance	47 (39.2)	41 (34.2)	32 (26.7)
	Total	124 (34.6)	134 (37.4)	100 (27.9)
Total		347 (32.3)	407 (37.9)	320 (29.8)

Note. Values in parentheses represent percentages.

There was also a significant intent by relationship interaction. When there was no explicit evidence of intent, more participants in the ex-intimate condition responded that the accused intended to cause mental harm or physical harm to the target (19.0%) compared with those in the stranger (10.6%) and acquaintance conditions (8.3%). There was no difference between the relationship conditions when explicit evidence of intent was present (46.4%, 48.6% and 46.1% for the stranger, ex-intimate and acquaintance conditions respectively).

The model also produced a complex interaction between persistence, intent and relationship, however this contributed less to the model and due to time constraints will not be discussed.

Significantly fewer participants responded that the behaviour was stalking when they did not believe the accused intended to cause mental harm or physical harm,  $\chi^2(2, N = 1058) = 207.98, p < .001$ . Of the 318 participants who responded that the accused did intend to cause harm to the target, 99.4% classified the behaviour as stalking. Similarly, of the 398 participants who were unsure whether the accused intended to cause harm, 90.2% classified the behaviour as stalking. Only 59.6% of the 342 participants who believed that the accused did not intend to cause mental or physical harm to the target classified the behaviour as stalking. Once again, given the numbers that still identified the behaviour as stalking when they were unsure of whether the accused intended to cause mental or physical harm or indicated that he did not, it appears that many members in the community do not see this form of intent as a necessary element of stalking.

## Discussion

The issue raised at the beginning of this paper was whether members of the community deem acts perceived as harassment and unwanted attention warrant the protection of the criminal law and whether the legal elements of stalking matched community perceptions. In the present study, most participants who identified the behaviour as stalking also responded that it should be illegal. Interestingly, when explicit evidence of intent was absent and the behaviour consisted of low persistence, approximately half of the participants still identified the behaviour in the scenario as stalking. That is, when the alleged stalker is sighted in the same café three times, is accused of following the target to work every second

Friday over a period of 5 months (i.e. approximately 10 times) and gives as an explanation that he goes to work early every second Friday so that he can leave earlier that evening to have drinks with colleagues, half of the participants who read this scenario perceived the behaviour as stalking. When this same behaviour was accompanied by four hang-up phone calls over the space of a month during the same period of the alleged following, the majority of participants identified the behaviour as stalking. This finding indicates that when the behaviour becomes more intrusive it is more likely to be classified as stalking, regardless of the presence or absence of explicit evidence of intent to cause fear or harm. This finding also helps to explain the results of our earlier study where the alleged behaviour was very persistent and intrusive and as a consequence almost every participant perceived the behaviour as stalking (Dennison & Thomson, in press).

The consequences experienced by the target did not impact upon perceptions of stalking. These results suggest that in relation to the presence or absence of intent to cause fear or harm, and the persistency and intrusiveness of the conduct, that members of the community are less concerned with the actual impact of the behaviour on the target. This finding could be interpreted two ways. First, it may be that the consequences to the target are not relevant to members of the community when deciding whether stalking has occurred or not. Second, that the target at the very least experienced an invasion of her privacy may have been enough to satisfy community members, in conjunction with the actual behaviour, that stalking had occurred. Regardless of the interpretation, it appears that jurisdictions that require that the target did in fact suffer fear or harm as a consequence of the stalking may not actually match the concerns of the community. Rather, members of the community may also be concerned with behaviours that cause some disturbance to the recipient or where the attention is simply unwanted. Further research on how the nature of the consequences to the recipient effect perceptions of stalking is required.

In relation to the common understanding of stalking and the importance of intent, approximately half of the participants still identified the behaviour as stalking even when they did not perceive that the accused intended either to arouse fear or apprehension, or to cause mental or physical harm to the target. The presence of explicit evidence of intent was particularly influential in perceiving intent and intent was more often perceived when the degree of persistence was greater. There was a trend for participants to more often perceive that the ex-intimate intended to cause fear or harm than the stranger or acquaintance. Participants may have focussed on the information that indicated that the ex-intimate had been possessive in the relationship and interpreted the target's account of the stalking as being continued possessiveness of the ex-intimate in a refusal to let go of the relationship. Stereotypes of these types of domestic situations may have led participants to perceive some form of malicious intent more often, whereas this prior history was no present for the stranger or acquaintance.

Participants perceived intent to cause mental or physical harm less often than they perceived intent to arouse fear or apprehension. Given that it is only necessary to identify intent to cause mental *or* physical harm to respond yes to this question it appears that members of the community may be drawing some distinction between fear and mental harm, identifying mental harm less often. If laws are to represent and convey common understanding of an offence, then the exact nature of this legal element needs to be clarified.

The results of this research have highlighted that a number of elements are taken into account when the community evaluates whether behaviour constitutes stalking. While some members of the community do identify stalking in a broad manner, the element of intent is particularly influential in perceptions of stalking when the conduct consists of moderate or low persistence. These preliminary findings indicate that laws, which require that the offender intended to cause fear or harm to the target, are not necessarily out of touch with community concerns. While using a strict intent requirement may not reflect the majority of the community's perceptions of stalking when the conduct consists of high persistence, it was a useful discriminator when the conduct consisted of moderate or low persistence.

Some circumspection is required in drawing conclusions from the present study. It does not necessarily follow from these results that anyone who walks or travels the same route to work as another, at the same time, will be perceived as stalking. In this study the target did have some prior history with the accused in that she had declined a date or ended a relationship with him. The subsequent sightings of the accused, and the hang-up phone calls in the moderate persistence condition, may have lead many participants to rule out the possibility that these occurrences were co-incidence. Therefore, the context surrounding the behaviour of the accused may be important in identifying stalking. The type of behaviour may also be important, for example walking behind someone may be perceived differently to sitting on the same train or bus, or writing letters or sending gifts. Further research is required to explore community perceptions of stalking in a variety of other contexts and using other behaviours that might be construed as harassing, intrusive or a nuisance to the recipient. The debate over appropriate stalking legislation may benefit from obtaining a greater understanding of the behaviour that is perceived as stalking, what it is as a community that we wish to proscribe, and how best we can convey the type of behaviour that is unacceptable.

## References

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## Appendix A

*Log-linear parameter estimates for perceptions of stalking.*

Parameter	Coeff.	Std.Error	Z-value	95% confidence interval	
				Upper	Lower
Stalking					
1.	-1.11	.07	-14.86**	-1.26	-.97
Stalking X Persistence					
2.	-.24	.07	-3.18**	-.38	-.09
Stalking X Intent					
3.	.66	.07	8.81**	.51	.81
Stalking X Relationship					
4.	.01	.10	.09	-.19	.21
5.	-.04	.10	-.38	-.24	.16
Stalking X Persistence X Intent					
6.	-.12	.07	-1.59	-.27	.02
Stalking X Persistence X Relationship					
7.	.03	.10	.33	-.16	.23
8.	.23	.10	2.22*	.03	.42
Stalking X Intent X Relationship					
9.	-.05	.10	-.48	-.25	.15
10.	-.10	.10	-.98	-.30	.10
Stalking X Persistence X Intent X Relationship					
11.	.09	.10	.92	-.11	.29
12.	-.07	.10	-.69	-.27	.13

Note. \*  $p < .05$ ; \*\*  $p < .01$ .

## Appendix B

*Log-linear parameter estimates for perceptions of intent to create fear or apprehension*

Parameter	Coeff.	Std.Error	Z-value	95% confidence interval	
				Upper	Lower
FEAR					
1.	-.47	.06	-7.36**	-.60	-.35
2.	.10	.05	1.80	-.01	.20
FEAR X Intent					
9.	.58	.06	9.10**	.46	.71
10.	.22	.05	4.13**	.11	.32
FEAR X Relationship					
11.	.13	.09	1.48	-.04	.30
12.	-.20	.09	-2.13*	-.38	-.02
13.	.04	.07	.61	-.10	.19
14.	-.08	.08	-1.01	-.23	.07
FEAR X Intent X Relationship					
17.	-.01	.09	-.14	-.18	.16
18.	-.20	.09	-2.20*	-.38	-.02
19.	.02	.07	.26	-.12	.16
20.	.08	.08	1.08	-.07	.23
FEAR X Persistence X Consequences X Intent					
21.	-.06	.08	-.74	-.21	.10
22.	.13	.08	1.65	-.02	.28
23.	.14	.07	2.16*	.01	.27
24.	-.13	.07	-2.03*	-.26	-.00
FEAR X Persistence X Consequences X Relationship					
25.	.15	.11	1.39	-.06	.36
26.	.07	.11	.68	-.14	.28
27.	-.12	.11	-1.07	-.35	.10
28.	-.05	.11	-.46	-.28	.17
29.	-.04	.09	-.49	-.22	.13
30.	-.18	.09	-2.00*	-.36	-.00
31.	-.06	.10	-.61	-.25	.13
32.	.22	.10	2.27*	.03	.40

Note. \*  $p < .05$ ; \*\*  $p < .01$ .

## Appendix C

*Log-linear parameter estimates for perceptions of intent to cause mental harm or physical harm*

Parameter	Coeff.	Std.Error	Z-value	95% confidence interval	
				Upper	Lower
HARM					
1.	-.02	.05	-.43	-.12	.08
2.	.25	.05	5.42**	.16	.34
HARM X Persistence					
3.	-.18	.05	-3.78**	-.27	-.09
4.	.06	.04	1.49	-.02	.15
HARM X Intent					
9.	.49	.05	9.85**	.40	.59
10.	.16	.05	3.45**	.07	.25
HARM X Relationship					
11.	-.05	.07	-.68	-.19	.09
12.	-.15	.07	-2.20*	-.29	-.02
13.	.08	.07	1.16	-.05	.20
14.	-.05	.06	-.81	-.18	.07
HARM X Consequences Relationship					
15.	.12	.09	1.26	-.07	.30
16.	-.13	.10	-1.38	-.33	.06
17.	-.08	.09	-.84	-.26	.11
18.	.07	.09	.74	-.11	.25
19.	-.14	.09	-1.61	-.30	.03
20.	.20	.08	2.38**	.04	.37
21.	.07	.08	.83	-.10	.24
22.	-.16	.09	-1.84	-.33	.01
HARM X Intent X Relationship					
23.	.08	.07	1.17	-.06	.23
24.	-.17	.07	-2.39**	-.30	-.03
25.	-.05	.07	-.74	-.18	.08
26.	.00	.06	.02	-.12	.13
HARM X Persistence X Intent X Relationship					
27.	-.03	.07	-.38	-.16	.11
28.	.18	.07	2.66**	.05	.31
29.	.08	.06	1.28	-.04	.20
30.	-.02	.06	-.38	-.14	.10

Note. \*  $p < .05$ ; \*\*  $p < .01$ .