

# THE COMPLEXITIES OF INVESTIGATING AND CLEARING HARASSMENT RELATED INTIMATE PARTNER VIOLENCE FILES



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## Introduction

Intimate partner violence is a serious concern in Canada. Approximately every five days, a woman is killed by their current or former intimate partner (Canadian Domestic Homicide Prevention Initiative, 2018). Research previously conducted by the Centre for Public Safety and Criminal Justice Research at the University of the Fraser Valley identified that, in 2016, the Royal Canadian Mounted Police (RCMP) detachments operating across the province of British Columbia received around 8,500 founded calls for service involving intimate partner violence. This equated to a rate of approximately 17 calls per 10,000 people (Cohen, McCormick, Davies, & Neudecker, 2017).

The Cohen et al. (2017) report focused on identifying the socioeconomic predictors of intimate partner violence hotspots in RCMP jurisdictions across British Columbia and identified that 13% of all founded intimate partner violence files involved some form of harassment, including criminal harassment, harassing communications, or threats/intimidation. When examining charge outcomes across the province, Cohen et al. identified substantial variations, both in terms of the frequency of assigning harassment-related Uniform Crime Report (UCR) codes to these files and in the proportion of those files that were cleared by charge. While some jurisdictions appeared to be more efficiently identifying forms of harassment and writing reports to Crown Counsel that recommended criminal charges, other jurisdictions were significantly more likely to clear these files via departmental discretion.

Given the variation in police response to harassment-related intimate partner violence files, the authors proposed a new study to examine police training and knowledge regarding harassment-related intimate partner violence files and to collect information regarding the complexities associated with investigating and clearing these types of files. This information is relevant to areas of training and policy development going forward. As a result, this report briefly reviews the existing literature on stalking and harassment in intimate partner violence before summarizing the results of a mixed methods research project that examined harassment investigations and files using qualitative interviews with a sample of domestic violence investigators and quantitative criminal offence and perpetrator data from a sample of RCMP detachments and police agencies in British Columbia.

## Literature Review

The following section provides a summary of the existing research on harassment and stalking with a focus on whether and how harassment and stalking constitute unique behaviours, the prevalence of stalking/harassment, reporting rates to police, and the police response. This review is critical given that, in Canada, harassment and stalking are legally considered as the same behaviours, whereas legislation in other countries more clearly differentiates these two forms of behaviour. Regardless, these investigations are complex and there appears to be significant challenges in advancing stalking/harassment files through the criminal justice system, which suggests a need for further training and policy development.

## HARASSMENT IN THE CRIMINAL CODE OF CANADA

Stalking and harassment are commonly conflated terms that are typically used to describe when a perpetrator engages in persistent and unwanted behaviours to intimidate, annoy, or cause fear in a victim (Taylor-Dunn et al., 2021). Logan and Walker (2017) proposed a Surveillance, Life Invasion, Intimidation, and Interference (SLII) model describing that stalking might involve following the victim, engaging in unwanted contact, threatening the victim or their loved ones, threatening or damaging property, or sabotaging the victim, such as by attacking their reputation. These behaviours are similar to the definition of Criminal Harassment in the *Criminal Code of Canada*.

Whereas many American states, and more recently the United Kingdom, differentiate harassment and stalking in their penal codes, Canada does not have a separate legislative category for stalking. Instead, it is subsumed under the definition of harassment. The main harassment charge category is Criminal Harassment, section 264(1) of the *Canadian Criminal Code*. This charge, which was introduced in 1993, defines harassment as repetitive behaviour, such as following, communicating, or watching the home or workplace of another person, that causes the other person to reasonably fear for their safety or the safety of a loved one. The Canadian definition of harassment also includes conduct of a threatening nature engaged in towards the victim or another member of their family. Whereas the United States legislation specifically states that to be considered stalking/harassment the attention needs to be unwanted by the victim, this is not explicitly laid out in the *Canadian Criminal Code*. Rather, the language in the *Canadian Criminal Code* focuses on the repetitive nature of the behaviour and the fear inducing nature of the behaviour. A conviction for criminal harassment can result in a sentence of up to 10 years in prison, if prosecuted as an indictable offence. However, criminal harassment is a hybrid offence and, at the discretion of Crown Counsel, can be prosecuted as a summary conviction offence with the maximum jail sentence of six months.

In addition to Criminal Harassment, harassing and stalking-like behaviours are also mentioned in Harassing Communications (Section 372(3)). This offence is essentially harassing behaviour conducted using telecommunications (e.g., over the phone or computer). Harassing communications is also a hybrid offence with the maximum penalty, if prosecuted as an indictable offence, of two years in prison. In addition to these main categories, Intimidation (Section 423(1) subsections b, c, and f) and Uttering Threats (Section 264(1)) could also be related to harassment, as the examples here include intimidation by threats, persistently following someone, and watching someone where they live or work. Intimidation is an indictable offence with a maximum penalty of 14 years in prison. Utter Threats is a hybrid offence and, if prosecuted as an indictable offence, carries a maximum punishment of five years in prison.

## THE HARASSMENT / STALKING CONTINUUM

Harassment typically describes repeated unwanted behaviours that cause anger or fear in the recipient. However, in research and practice, stalking is also commonly used in reference to these kinds of behaviours, which can lead to confusion between the terms (Taylor-Dunn et al., 2021). As mentioned above, in Canada, harassment is defined in the *Canadian Criminal Code*, but stalking is not. Yet, in a Statistics Canada report on family violence, Burczyk and Conroy (2018) discussed the extent to which 'stalking', rather than harassment, occurred. They defined stalking as "repeated

and unwanted attention that causes the victim to fear for their personal safety or for the safety of someone they know” (p. 4). The authors noted that this definition fell under the *Canadian Criminal Code* definition of criminal harassment in Section 264(1) (though again, Section 264.1 does not stipulate that the attention must be ‘unwanted’), but distinguished stalking from harassment as not necessarily including overt threats or physical violence (Burczycka & Conroy, 2018). In other words, the authors interpreted stalking to be more a psychological act in which the actions taken by the perpetrator make a victim feel unsafe. They also observed that stalking reflects a pattern of behaviour, whereas a harassing communication, such as a harassing phone call, may reflect a singular act. However, this is not consistent with the *Canadian Criminal Code* as Section 264(2) subsections a and b defines criminal harassment as indicated by a *pattern* of behaviour. It is also not consistent with how stalking/harassment have been differentiated in other jurisdictions, such as the United Kingdom (Taylor-Dunn et al., 2021).

As demonstrated by this example, the distinction between harassment and stalking is often blurred (Taylor-Dunn et al., 2021). Both harassment and stalking involve a pattern of behaviour in which an individual has been identified as persistently communicating with, following, or otherwise trying to connect or engage with a person who does not want that attention. However, in the literature outside of Canada, harassment and stalking are differentiated from each other based on the degree of fear felt by the individual subjected to the unwanted attention (the ‘victim’). For example, in the United Kingdom and in many of the United States statutes, if the victim can articulate a degree of fear felt because of the unwanted behaviour, the action is considered a form of ‘stalking’. However, if the victim’s response is more based on anger, the unwanted behaviour may be considered ‘harassment’ (Logan & Walker, 2017). Still, both harassment and stalking typically require that a pattern of unwanted behaviours be established to meet the definitional threshold (e.g., Korkodeilou, 2016; Taylor-Dunn et al., 2021).

Harassment and stalking are now defined and penalized separately in the United Kingdom, though research suggests the two terms are still often conflated (Taylor-Dunn et al., 2021). Harassment was criminalized under the *Protection from Harassment Act 1997* in [Section 2](#) (‘Offence of harassment’) and [Section 4](#) (‘Putting people in fear of violence’). Although ‘harassment’ itself is not defined in Section 1 or 2, Section 4 describes the targeted behaviour as causing another person “to fear, on at least two occasions, that violence will be used against [them]” or causing a reasonable person who had the same information to feel such a way (Section 4 subsection 1). [Section 7\(2\)](#) further interprets these sections as behaviours that cause the targeted individual to feel alarmed or distressed. To demonstrate a case of harassment under Sections 2 and 4, there must be evidence that the behaviour was targeted towards the victim, that it was done with the intention of causing alarm or distress, and that it was unreasonable or oppressive (<https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>). If convicted under Section 2, the perpetrator can receive a maximum of six months in prison, while under Section 4 an offender can receive a maximum of 10 years (indictable) or six months (summary conviction).

Stalking was added to the *Protection from Harassment Act* in 2012 under [Sections 2a](#) and [4a](#) via the *Protection of Freedoms Act*. Behaviours included under Section 2a are like the harassment terminology in Canada, as they involve following, watching or spying, or forcing contact, including through harassing communications (i.e., forced contact via social media). A conviction can result in



up to 51 weeks in prison. Section 4a relates to ‘stalking involving fear of violence or serious alarm or distress’ and requires either that the suspect, on at least two occasions, has caused the complainant to fear that they will be the victim of violence, or the suspect’s behaviour has led to feelings of serious alarm or distress by the complainant to the extent that their typical daily activities have been substantially affected (e.g. a job change, moving homes, experiencing mental health challenges) (Korkodeilou, 2016). A conviction under this section can result in a prison sentence of up to 10 years (indictable) or 12 months (summary conviction). Therefore, whereas both harassment and stalking appear to focus on behaviours that result in the victim feeling alarmed or distressed or fearful of violence, the United Kingdom legislation differentiates stalking from harassment based on the more serious distress felt by a victim of stalking that may be identified or defined by the degree of negative effect these behaviours have on the victim’s day-to-day activities. However, the distinction in legislation has not led to clarity in practice (Taylor-Dunn et al., 2021). Further, Weller et al.’s (2013) research with police officers in the United Kingdom found that officers felt that the separation of harassment and stalking into different sections weakened the effect of the more serious stalking legislation. This was based on an assumption that since harassment was easier to prove than stalking, police officers would more often rely on this legislation rather than putting in the time and effort required to escalate the file to the more serious charge of stalking, which requires demonstrating a more severe degree of distress and negative effects felt and demonstrated by the complainant. This can be especially complicated considering that not all victims of stalking respond with fear (Dreke et al., 2020). As will be discussed later in this report, some may respond with anger.

Similarly, most American states have separated harassment from stalking, yet seem to rarely use the stalking legislation. The first stalking legislation was introduced in 1990 in the state of California (Guy, 1993 as cited in Melton, 2004). Within five years, a total of 50 states, as well as the federal government and the District of Columbia, had introduced some type of legislation to criminalize stalking (Garza et al., 2020; Ngo, 2019). Common to many of these statutes was that the stalking behaviour needed to be repetitive and unwanted (Fox et al., 2011). However, a review by Fox et al. (2011) also found many differences across the various pieces of legislation with some states, for example, including threats as part of the definition. Even among those states that included threats as part of their legislation, some but not all require evidence that the perpetrator has the means to carry out the threat. Similarly, the notion of fear was not included or required by all state legislation (Fox et al., 2011). Among those states that did require fear as a necessary element of stalking, some defined fear as what a reasonable person would feel in that situation, whereas others required that the behaviour did cause fear in the victim. Moreover, some states separated degrees of stalking, where the more serious ‘felony’ stalking charge would be filed in those cases in which physical or property violence had occurred, where a protection order had been violated, or where a weapon was present (Fox et al., 2011).

As an example, in Texas, stalking is defined in the Texas Penal Code Statute 42.072 as repeated behaviours towards the victim and/or the victim’s loved ones with the intention to create fear of death or bodily injury, or the destruction of property (Brady & Nobles, 2017). In contrast, harassment is defined in Texas Penal Code Statute 42.07 as the “[i]ntent to harass, annoy, alarm, torment, or embarrass another” (Brady & Nobles, 2017, p. 3159) and can include harassing communications. This type of behaviour is likely to cause the victim to be concerned or can include

the perpetrator inflicting injury upon their target or committing a felony offence against them, a loved one, or their property. This definition does not require that the behaviour form part of a pattern. Further, whereas stalking requires that the perpetrator intend to create fear, harassment is perceived more as behaviour that angers or annoys the victim. Stalking is punished more severely as it is considered a third-degree felony offence (or second-degree if there is a previous stalking conviction) whereas harassment is a Class B misdemeanour (or Class A with a previous stalking conviction).

One of the complexities with investigating stalking/harassment offences is that many of the behaviours that underlie these offences are not illegal (Brady & Nobles, 2017; Fox et al., 2011; Garza et al., 2020; Nichols, 2020). For example, appearing outside someone's place of work or leaving flowers for someone are not illegal behaviours. However, when done persistently despite being unwanted, and when it triggers a fear-inducing reaction, these otherwise innocuous behaviours can cross the line into stalking/harassment (Dreke et al., 2020; Nicols, 2020). Further, although fear is a common criterion in stalking legislation, not all victims feel fear in reaction to these behaviours. Instead, some people may simply feel annoyed, angry, or distressed (Dreke et al., 2020; Fox et al., 2011; Tjaden & Thoennes, 2000). However, to result in legal action, as noted above, the legislation may require that fear is articulated and/or that a pattern be established, and an individual be warned that their behaviour is unwanted and must cease. This has led some authors to speculate that the prevalence of stalking in the context of IPV is underestimated (Brady & Nobles, 2017; Fox et al., 2011; Tjaden & Thoennes, 2000) and inadequately managed by the police who either fail to recognize stalking/harassment for what it is, who 'downgrade' their scoring of the file (e.g. to a verbal altercation), or who may respond to the victim by telling them they are overreacting (Backes et al., 2020; Dreke et al., 2020; Korkodeilou, 2016; Melton, 2012; Rai et al., 2020; Taylor-Dunn et al., 2021).

### **WHY DOES STALKING/HARASSMENT OCCUR?**

Given that the focus of this study is on the police response to stalking/harassment files, only a brief review of the literature on the causes of stalking/harassment will be provided. One of the more common 'triggers' for stalking/harassment behaviours is when an intimate relationship comes to an end, but one partner is unable or unwilling to 'let go' and seeks to reconcile with the victim (Flowers et al., 2020; Weller et al., 2013). However, stalking/harassment of this nature is typically predicated by psychological control during the relationship itself (Davis et al., 2000; Flowers et al., 2020; Norris et al., 2011). In other words, those most likely to stalk/harass an ex-intimate partner were also more likely to engage in possessive, jealous, obsessive types of behaviours during the relationship. These types of possessive behaviours may be correlated with mental health or emotional dysfunction. For example, Davis' et al.'s (2000) research with American college students suggested that a psychological need for control and an anxious attachment style were associated with possessive and stalking/harassment behaviours. More recently, Johnson and Thompson's (2016) research in Australia supported this finding, as those with an insecure attachment style were more likely to stalk an ex-intimate partner following the end of the relationship.

Engaging in stalking/harassing behaviours post-break up may be due to multiple reasons. For some, this may be due to persistent feelings of love and a desire to restart the relationship (i.e., an amorous motivation), while for others, the stalking/harassing behaviours may be motivated by anger that the partner ended the relationship or a desire for revenge (Davis et al., 2000; Johnson & Thompson, 2006). Some stalker/harassers are motivated by wanting to cause harm to or fear in the victim as a form of payback for ending the relationship (Johnson & Thompson, 2006). Certain mental health issues also appear to be relevant when attempting to explain more serious forms of stalking. Norris et al. (2011) studied a sample of 115 American abusers attending batterer intervention treatment, comparing non-stalkers, sub-clinical stalkers, and clinical stalkers (distinguished by the severity of their stalking behaviours) and found that antisocial and sadistic traits were significantly more likely to be presented by the clinical sample when compared to sub-clinical or non-stalkers in their sample. Clinical stalkers were also significantly more likely to report issues with alcohol or drug dependence. Moreover, they were more likely than either subclinical or non-stalkers to engage in psychological abuse with their intimate partners, while both types of stalkers were more likely than non-stalkers to engage in negotiation tactics with their partners. Norris et al. (2011) interpreted these findings to suggest that stalkers tended to engage in a pattern of controlling behaviour towards their intimate partners, whether during or following the intimate relationship.

Stalking/harassment is viewed as a form of coercive controlling behaviour where the perpetrator seeks to isolate, intimidate, and dominate the victim, and uses the fear induced by stalking/harassment as part of this pattern of coercion to obtain the desired behaviour or response (Flowers et al., 2020; Gill & Aspinall, 2020; Logan & Walker, 2015; Logan & Walker, 2009; Myhill & Hohl, 2019). In addition to stalking/harassment, coercive controlling behaviours can also include obsessive behaviours or jealousy, threats to harm or kill the victim or a loved one, threats to commit suicide if the victim leaves them, forced sex, strangulation, controlling finances, and control over the victim's activities and interactions outside of the home (Brady & Hayes, 2018; Myhill & Hohl, 2019). Like stalking/harassment, Gill and Aspinall (2020) described coercive control as a pattern of behaviour that did not necessarily involve physical violence "as the threat of possible violence [that] is enough to maintain the victim's compliance" (p. 8). They described coercive controlling behaviours as manipulative tactics that were used to intimidate the victim and which could lead to a loss of self-identity and individuality by the victim and a feeling of being trapped by the perpetrator. While coercive controlling behaviours are used to intimidate, manipulate, and control the victim and do not necessarily involve the use of physical violence, there is a risk of escalation to severe or lethal violence should the coercive tactics not produce the desired level of compliance. This also helps to explain why the separation period of a relationship is one of the highest risk times for a victim of intimate partner violence, as once they push back against the coercive controlling nature of their partner, the abuser may seek to reassert their control, either through increasing their stalking/harassing behaviours or by escalating their attempts to dominate and control the victim through physical or sexual violence (Logan & Walker, 2009). In fact, Dr. Jacqueline Campbell's research demonstrated that when a victim of intimate partner violence separates from a highly controlling abuser, the risk for lethal violence increases ninefold (Campbell et al., 2003). In support of this general conclusion, several studies (Dobash, Dobash, & Cavanagh, 2009; Dobash, Dobash, Cavanagh, & Medina-Ariza, 2007; Johnson, Eriksson, Mazerolle, & Wortley,

2019), including those examining Canadian cases (Cheng & Jaffe, 2019; Dawson & Piscitelli, 2017), have observed evidence of coercive controlling behaviours retrospectively in lethal cases of intimate partner violence and coercive control. Stalking also plays a major role in Jane Monckton Smith's (2019) recent eight-stage model explaining progression to intimate partner femicide.

Stalking in an intimate partner context appears to differ in important ways from stalking behaviours towards other types of victims (Flowers et al., 2020). For example, research in the United States has concluded that intimate partner stalking tended to persist for a longer duration of time than does stranger stalking (Ngo, 2019). A review of 28 studies on stalking concluded that, on average, stalking behaviours continued for 22 months (Spitzberg & Cupach, 2007). However, Johnson and Thompson's (2016) research in Australia concluded that the most common duration for stalking was between three to six months following the end of an intimate relationship. In their study, 22.1% of stalkers (including both male and female perpetrators) were labelled as 'low persistence stalkers' as the duration of their stalking lasted up to one month. Another one-quarter (24.3 per cent) were more moderate stalkers who persisted up to six months. Overall, then, around half of all stalkers in their study ended their stalking behaviours within six months. However, a subgroup of 9.3% stalked their victims for more than one year. This group was labelled as the highly persistent stalker, and they were the most likely group of stalkers to escalate their behaviour to violence, perhaps because they were also the most likely subgroup to be motivated by a desire to harm or create fear in the victim (Johnson & Thompson, 2006). In contrast, the less persistent (low and moderate) stalkers in their study were more likely to be motivated by amorous reasons. Understanding what characteristics may separate the low persistence from high persistence stalkers may be useful for police in determining which files are likely to conclude with a simple warning to the perpetrator and which files will likely generate a greater need for police intervention and offender management.

As a result of the prior relationship that existed between the partners, stalking/harassing behaviours can be more nuanced and not overtly fear-inducing to others outside of the relationship. For example, certain ways of looking at a person or non-verbally communicating with them (e.g., using a hand signal) may trigger fear in the intimate partner being stalked (Logan & Walker, 2009). Dreke et al. (2020) observed that for a victim who had moved residences or moved to another city in the hopes of disappearing from a stalker, "a simple note or text message" may cause fear in the victim, as it implies the stalker has found them again (p. 771). Children may be used as a tactic to persist in the stalking/harassing behaviours, for example, using them as an excuse as to why the stalker is showing up unexpectedly in certain places, or harassing the ex-partner through persistent court actions (Dreke et al., 2020; Logan & Walker, 2009). A stalker/harasser in an intimate context is also more likely to use 'approach' behaviours, given the prior relationship that existed between the two, whereas a stranger stalker/harasser is less likely to directly approach the victim (Logan & Walker, 2009). Consequently, some research has concluded that, while stalking by strangers can escalate into violent behaviour, this is a more common outcome in intimate partner violence-related stalking (e.g., Burczykca & Conroy, 2018; Johnson & Thompson, 2016; Logan, 2022; Logan, 2020), particularly if the intimate partner stalker has made threats of violence (Flowers et al., 2020; Logan, 2022).

While few studies have examined the criminal records of stalker/harassers (Flowers et al., 2020), one study by Norris et al. (2011) with American men attending a batterer intervention program identified that ‘clinical stalkers’ (defined on the basis of engaging in threat/harm stalking behaviours) and sub-clinical stalking abusers (engaging in “several unwanted pursuit behaviours” p. 108) were significantly more likely than non-stalking abusers to have been arrested or charged criminally in the past. Interestingly, there was no difference between the clinical and sub-clinical stalkers leading Norris et al. (2011) to conclude that criminal histories may have limited usefulness in distinguishing between stalker types. Similarly, the systematic review by Flowers et al. (2020) concluded that intimate partner stalkers were more likely than other types of stalkers to have a criminal history but did not differentiate within intimate-stalker types. This finding was somewhat surprising given that, as explained above, clinical stalkers in the Norris et al. (2011) study scored significantly higher on measures of antisocial and sadistic traits than did the subclinical and non-stalkers, and antisocial personality is typically associated with a high rate of engagement in criminal activity. However, it is possible that the reason for their involvement in the batterer intervention program was because of a police contact due to the stalking and measuring the extent and range of criminal history rather than the simple presence of a criminal history may yield different findings regarding stalking/harassment and involvement in other criminal behaviour.

### **REPORTING OF STALKING/HARASSMENT TO THE POLICE**

Research has examined when and why victims of intimate partner stalking/harassment report their experiences to the police. Reporting rates of intimate partner victimization are already quite low, with fewer than one-in-five Canadian intimate partner violence victims reporting their victimization to the police (Burczycka, 2016). Given that stalking/harassment tends to produce fear, particularly among women being stalked by a former male intimate partner (Burczycka & Conroy, 2018; Logan, 2020), it is plausible that the reporting rates for this form of IPV are higher than commonly found. Conversely, it is also possible that this crime is underreported, as victims may not interpret this form of victimization as criminal or may feel that there is little that the police can or will do in response, as there may be a lack of supporting evidence or evidence of physical harm (Augustyn et al., 2020; Rai et al., 2020; Reyns & Englebrecht, 2014). In this case, it is possible that reporting may not occur until the stalker has threatened or used violence towards the victim, or when the perpetrator’s stalking has escalated to the point where substantial life interference is occurring or experienced by the victim (e.g., Taylor-Dunn et al., 2021).

In a recent study with American students attending 24 different college/universities, reporting rates for intimate partner stalking were extremely low at 6% of the sample (Augustyn et al., 2020). Only two factors appeared to increase the likelihood of reporting incidents of stalking: if the victim experienced more than one form of stalking behaviour, and if the stalking interfered with the victim’s life, such as by negatively affecting their academics, professional commitments, or other activities. Moreover, reporting stalking to friends and family may be more common than formal reporting. Still, Reyns and Englebrecht (2014) used the Supplemental Victimization Survey from the American National Crime Victimization Survey (NCVS) and found that less than one-third (30 per cent) of stalking victims informally reported their stalking victimization to friends and family. Like Augustyn et al.’s (2020) findings, both formal and informal reporting were more likely to occur



when the stalking behaviours were more serious in nature, or when the stalking interfered with the victim's professional commitments. In addition, being fearful also increased informal reporting. Informal reporting was also associated with demographics, with females being more likely to informally report stalking than males. In contrast, those who were non-White or who were married were significantly less likely to informally report stalking (Reyns & Englebrecht, 2014).

In contrast to these findings, rates of reporting were considerably high in the 2014 Canadian General Social Survey data where nearly half (47 per cent) of victims of intimate partner stalking reported their victimization to the police (Burczycka & Conroy, 2018). Those who did not report felt that it was a private matter that they did not want others to know about (27 per cent) or because they felt the victimization was too minor and not worth reporting to the police (17 per cent). Informal reporting was also quite high in this sample, with 83% of intimate partner stalking victims in Canada reporting that they told someone else, such as a friend or family member, about the stalking experience (Burczycka & Conroy, 2018).

Victim reporting of stalking is important because studies have concluded that intimate partner stalking increased the risk for the victim to experience depression, anxiety, and potentially post-traumatic stress (Logan, 2020; Taylor-Dunn et al., 2021). Stalking is also a significant risk factor for future severe or lethal intimate partner violence (Flowers et al., 2020; Rai et al., 2020). The Ontario Domestic Violence Death Review Committee (Office of the Chief Coroner, 2018) undertakes an annual review of lethal cases of intimate partner violence in the province. As a result, they have compiled a set of common risk factors for these types of cases. In one study examining 183 of the reviewed fatal intimate partner violence files, Dawson and Piscitelli (2017) identified that stalking/harassing type behaviours were present in over half (54 per cent) of these files. In fact, stalking/harassment was the third most common risk factor appearing in these lethal incidents of domestic violence. **It is important that victims of intimate partner stalking report their experiences to the police, and that the police are equipped to conduct an appropriate investigation that not only increases the victim's satisfaction with the police response to their victimization but also increases victim safety and enhances the likelihood of obtaining sufficient evidence to result in charge approval and a criminal justice sanction.**

## PREVALENCE OF STALKING/HARASSMENT

The prevalence of stalking/harassment varies between studies. This may be due to the inconsistent definitions and ways of measuring this behaviour. Further, rates of stalking/harassment also differ based on whether the stalker was a current or ex-intimate partner, an acquaintance, or a stranger, as well as based on the age and other demographic characteristics of the sample. For example, Edwards and Gidycz (2014) found that 52% of 56 female college students reported having been stalked by an ex-partner following the termination of the intimate relationship. In contrast, Ornstein and Rickne (2013) estimated that one-in-ten women in Sweden had been stalked by an ex-partner following the end of their relationship.

Unfortunately, there is limited data available on the prevalence of stalking/harassment in intimate partner relationships in Canada. It is not generally measured on the General Social Survey, which is Canada's national victimization survey. However, the Statistics Canada report on Family Violence in

Canada (2016) included a special chapter on stalking as captured by the 2014 national General Social Survey among Canadians 15 years of age and older. According to this victimization data, stalking was self-reported by 8% of females and 5% of males, though this was not specific to intimate partner stalking trends (GSS; Burczycka & Conroy, 2018). In fact, nearly half (49 per cent) of the stalking captured on this survey was by an acquaintance, while slightly more than one-quarter (27 per cent) was perpetrated by a stranger. Only 21% of those who reported experiencing stalking identified a current or former intimate partner as the perpetrator (Burczycka & Conroy, 2018). However, there were some meaningful differences when comparing intimate partner stalking to stalking by acquaintances/strangers. Notably, while the overall population rate of stalking decreased from 9% in 2004 to 6% on the 2014 survey, this was not true of the rates of intimate partner stalking; these trends remained consistent. The data also showed that intimate partner stalking was more likely to be associated with acts of violence than stalking by acquaintances or strangers. In total, one-third (33 per cent) of those stalked by an intimate partner reported that the stalker had grabbed or physically attacked them compared to 16% of individuals stalked by acquaintances and 12% of individuals stalked by strangers. Moreover, a slight minority (42 per cent) of Canadians stalked by an intimate partner had received threats of violence and physical intimidation, which was twice as common than for Canadians stalked by a stranger (19 per cent). However, there were also high rates of threats and intimidation experienced in acquaintance-stalking (36 per cent). Overall, 42% of those stalked by an intimate partner reported that they had feared for their lives compared to 35% of those stalked by strangers and 31% of those stalked by acquaintances (Burczycka & Conroy, 2018). Victims of intimate partner stalking were more likely than victims of acquaintance or stranger stalking to also experience harassment via unwanted emails (41 per cent), text (24 per cent), or social media communication (18 per cent), and to experience property damage (33 per cent, compared to 20 per cent and 13 per cent, respectively). While there were no differences in the length of stalking when comparing those stalked by an intimate partner versus an acquaintance, both were stalked for longer periods of time than individuals stalked by a stranger. More specifically, 29% of those stalked by an intimate partner were stalked for a period of between one to six months while 33% reported that the stalking lasted for more than one year. Conversely, 13% of those stalked by a stranger reported that it had lasted more than one year, while 50% reported the stalking had lasted one week or less (Burczycka & Conroy, 2018).

Stalking trends also differed in terms of gender breakdowns. While 62% of all stalking victims, including by acquaintances and strangers, were women, three-quarters (74 per cent) of the victims of intimate partner stalking were women. Age was also a factor in intimate partner stalking, as 60% of Canadians stalked by an intimate partner were between the ages of 15 to 34 years old compared to less than half of those stalked by someone they knew (47 per cent) or by a stranger (44 per cent). Other risk factors associated with being stalked by an intimate partner were having children, having a learning disability, being separated/divorced as opposed to being married or in a common law relationship, binge drinking, using drugs, living alone, or being homeless (Burczycka & Conroy, 2018).

More recently, the Survey of Safety in Public and Private Spaces (SSPPS) captured additional information about intimate partner victimization experiences in Canada. Although there was not a validated stalking measure in this survey, some trends relating to stalking/harassment may be

inferred by the following data points. According to this data, in 2018, 0.9% of women and 0.5% of men aged 15 years old and older reported that an intimate partner had followed them or hung around outside their work or home in the past 12 months (Cotter, 2021). In contrast, 12.1% of women and 3.6% of men had experienced this in their lifetime (from age 15 years old and onwards). Harassment experiences were slightly more common. In the past 12 months, 2.7% of women and 2.0% of men aged 15 and older reported having experienced an intimate partner harass them by phone, text, email, or social media. Lifetime rates were 13.5% for women and 7.9% for men (Cotter, 2021). Half (49.2 per cent) of all women who reported that a partner had followed them or hung around outside their home or work in the past 12 months reported that this had happened a few times, while nearly one-third (29.9 per cent) indicated that this had occurred once a month or more often. The remaining 20.8% reported that the harassment had only happened once. Conversely, of the women who reported being harassed by phone, text, email, or over social media by an intimate partner in the past 12 months, this appeared to happen more often, with 48% reporting that it had occurred once a month or more often, 37.9% reported that it had occurred a few times, and only 14.1% reporting that the harassing behaviour had only occurred once (Cotter, 2021). While these are limited measures of stalking/harassing behaviour, they indicated that, for Canadian women experiencing recent stalking/harassment by an intimate partner, that this behaviour was unlikely to be an isolated incident. Furthermore, while the Canadian data showed that the general rate of stalking was low, stalking/harassing behaviours were much more common within intimate partner relationships where other forms of abuse or violence were occurring and appeared to pose more serious threats to the psychological wellbeing and physical safety of victims.

## **POLICE RESPONSE TO STALKING/HARASSMENT**

It is important to understand how police respond to calls for service concerning stalking/harassing behaviours as stalking in a current or former intimate relationship increases the risk for severe or lethal violence, as well as mental health consequences for the victim. Yet, given the seemingly innocuous behaviours that stalking/harassment may be associated with, some experts have argued that police frequently underestimate the seriousness of these crimes or fail to recognize these behaviours as criminal at all, particularly when they occur in the context of a former intimate partner relationship (Brady & Nobles, 2017; Dreke et al., 2020; Garza et al., 2020; Logan & Walker, 2017; Lynch & Logan, 2015; Ngo, 2019; Tjaden & Thoennes, 2000; Weller et al., 2013).

In one of the first studies on police response to stalking in the United States, Tjaden and Thoennes (2000) coded the victim and police narratives of 1,785 reports of intimate partner violence to an American municipal police department and estimated that stalking-like behaviours were present in 16.5% of these cases. However, the phrase 'stalking' rarely appeared directly in these narratives, suggesting that these behaviours were not well recognized for what they were by either the victims or the police (Tjaden & Thoennes, 2000). Further, only one such incident report proceeded to a criminal charge of stalking. More commonly, the charges were downgraded to a less serious charge, such as harassment. More recently, Brady and Nobles (2017) found that, of the 64,835 interpersonal calls for service to the Houston Police Department that generated an incident report, only 0.1% (n = 66) were categorized as stalking. In total, two-thirds (66 per cent) of the calls were categorized as family violence-related terroristic threats (threats to commit a violent offence



against a person or property with the intent to cause that person to feel fear) and another one-third (32.9 per cent) were categorized as harassment.

Although the research on police response to stalking/harassment is quite limited, several studies have identified factors that appear to increase the likelihood that police will make an arrest in a stalking/harassment case. Garza et al. (2020) coded the presence of stalking in a stratified random sample of 332 family violence calls for service between January 2014 and August 2016 made to a municipal police agency in the United States involving male perpetrated family violence against a female complainant. The files were coded for stalking behaviours, including the suspect telephoning, waiting inside or outside of a place, watching the complainant from afar, following the complainant, sending letters, emailing, sending gifts, or showing up uninvited or 'other' behaviours. Overall, one-fifth (19.3 per cent) of the files showed evidence of stalking. However, stalking was not associated with the likelihood of an arrest. Instead, arrest was predicted by a history of intimate partner violence, the presence of a physical injury, alcohol use, and the presence of witnesses (Garza et al., 2020). Similarly, Ngo's (2019) research with 348 participants from the 2006 Stalking Victimization Supplement of the National Crime Victimization Survey, who indicated that they had reported their stalking to the police, found that police were more likely to arrest when there was evidence of a physical injury. In addition, when the stalker was an intimate partner, police were significantly more likely to refer the victim to the Prosecutor, to recommend self-protection measures, and to recommend that the victim obtain a protection order than when the perpetrator was a non-intimate partner. In an analysis of 1,440 domestic disturbance calls for service to a large western metropolitan police agency, Melton (2012) found that slightly more than one-quarter (27.9 per cent) of calls for service involved stalking behaviours. Most of these reports involved unwanted phone calls (46.5 per cent) followed by the offender making unwanted visits (40.3 per cent). Of note, police arrested offenders in just one in ten calls (11.6 per cent); however, this was not specific to stalking incidents. While it was unclear what proportion of cases involved the police arresting the perpetrator in a stalking file, the analyses showed that police were more likely to arrest in stalking files when there was current substance use, when the offender was present, and when there was a history of violence in the relationship.

Understanding the police response to stalking/harassment cases is important, as it has a direct effect on victim satisfaction and safety. Taylor-Dunn et al. (2021) interviewed and surveyed 35 male and female victims of intimate partner and non-intimate partner stalking/harassment in the United Kingdom. While most of those who contacted the police about their victimization were initially pleased with the police's response, their perception of the police response became more negative over time. Initially, victims were satisfied that the police believed that they were indeed being victimized via stalking/harassment because this validated their experience. Victims who were kept informed of the progress of their file were also more satisfied with the police, as were those who were referred to other services for support, such as victim services. However, over time, as their files failed to move forward, victims became increasingly dissatisfied. As reported by Taylor-Dunn et al. (2021), some victims were told that they needed more evidence of stalking/harassment for charges to be possible and, in the meantime, they should consider changing their own circumstances, such as by staying off social media or changing residence. These are unreasonable suggestions for many because social media may be a lifeline or business for some, while moving may present unaffordable costs and other hardships (Dreke et al., 2020). They also

felt blamed for the stalking/harassment by this response (Taylor-Dunn et al., 2021). In fact, some victims who were dissatisfied with the police response were told to simply “stop looking” at the online harassment, or that they were overreacting to the incident. Others were told to continue to keep stalking/harassment logs, which made them feel as though they kept reporting victimization with no progress being made in their case. Whereas keeping the victim informed of progress in the case was typically associated with a more positive experience, not being informed was a major issue for one-third of those who were dissatisfied with the police response. Similarly, whereas those who were referred to victim services tended to be satisfied, some victims did not receive these referrals when they reported their victimization to the police, and were dissatisfied in feeling alone without anyone to support them. While police may have limited ability to move forward with recommending or laying charges in stalking/harassment cases due to limited evidence, these experiences suggest that **it is essential for the police to maintain lines of communication with the victim and to assist victims in connecting with other services that can support them and engage in safety planning.**

Notably, while the General Social Survey data demonstrated that nearly half of Canadians experiencing intimate partner stalking reported it to the police, there were very few criminal justice outcomes that resulted from this. Only 22% of those who said they reported their victimization to the police indicated that charges had been laid. Of note, half of the charges (50.0 per cent) were reportedly for assault, while one-third (33.0 per cent) were for harassment, and slightly more than one-quarter (27.0 per cent) were for threats. Just over one-third (37 per cent) of the files reported to the police resulted in a restraining or protection order; however, about half (47 per cent) of these were reportedly violated by the stalker (Burczycka & Conroy, 2018).

These patterns suggest that the stalking behaviour alone may not be enough evidence for police to make an arrest or to lay a criminal charge, and that police may feel more comfortable making an arrest when there was visible evidence of an assault or other more tangible evidence to indicate that a victim may be at higher risk. A study conducted by Weller et al. (2013) in the United Kingdom reported that police officers found stalking cases challenging to investigate due to the difficulty in collecting evidence that could sufficiently demonstrate that a crime had occurred. They found that stalking cases involved ‘he said-she said’, that the victims did not retain the necessary evidence needed to demonstrate that the stalking behaviour was persistent, or that the victims retracted their statement or willingness to participate in the prosecution of the file. Taylor-Dunn et al. (2021) reported that counter allegations by the alleged stalker were common in stalking/harassment cases that added to the complexity of the investigation. In Canada, Dawson and Hotton’s (2014) review of charge recommendations in intimate partner violence files suggested that police were significantly less likely to recommend charges in files involving criminal harassment or harassing phone calls compared to files involving common assault. This finding was consistent with the larger body of American literature. More recently, Backes et al. (2020) reviewed the literature on the criminal justice response to stalking and found that police preferred having ‘hard evidence’ of the stalking behaviour, such as a witness to the behaviour, electronic evidence, physical evidence, or transcripts, all of which were preferred to victim testimony. While some saw stalking logs that documented the timeline, duration, and intensity of the stalking according to the victim’s observations as necessary to support their case, others did not. In effect, it appeared to depend on the experience of the police officer, with more experienced officers viewing this type of evidence as essential to the

investigation (Backes et al., 2020). Overall, their review of the literature suggested that the most common barrier to arrest and charges in a stalking file was insufficient evidence, at least as perceived by the investigating officer.

Several authors have recommended that police should be given training specifically on stalking investigations, separate from the training they may already receive on intimate partner violence investigations, given the complexity of these files, the tendency for police not to recognize stalking/harassment when it occurs, and the practice of 'downgrading' files to less serious offences (Backes et al., 2020; Dreke et al., 2020; Korkodeilou, 2016; Ngo, 2019; Lynch & Logan, 2015; Melton, 2012; Tjaden & Thoennes, 2000; Weller et al., 2013). Stalking is often treated as a dichotomous outcome (whether it happened or not) rather than a part of an overall pattern or course of conduct that may exhibit a tendency towards coercive control (Dreke et al., 2020; Logan & Walker, 2009; Taylor-Dunn et al., 2021). It is essential that police take a wider viewpoint of these experiences and take the time and necessary steps to explore and understand the range of experiences a victim of stalking/harassment may have experienced, and how the total pattern of behaviours may present an ongoing picture of possessiveness, dominance, and control (Dreke et al., 2020; Taylor-Dunn et al., 2021). This is extremely important because, often, the victim may not report this type of crime unless they feel fear, experience significant negative effects on their day-to-day life, or have exhausted all other options (Dreke et al., 2020; Melton, 2004; Taylor-Dunn et al., 2021). In other words, stalking/harassing behaviours have generally persisted for long periods of time before they are first reported to the police. Logan and Walker (2009) advised that a broader array of dimensions must be considered, including the onset, duration, intensity, nature of intrusiveness, and the range of tactics used to cause psychological distress in the victim, such as whether threats or a proxy stalker are used. Still, to better inform future training and practices in Canada, research is needed on harassment-related intimate partner violence investigations to identify the potential challenges in conducting investigations of these incidents and relevant areas where training and policy can be enhanced.

## Current Study

The current study explored the challenges with investigating and clearing harassment-related intimate partner violence files in a sample of British Columbian RCMP municipal detachments. Given that the review of the literature indicated that there was a blurred line between harassment and stalking and that there were a number of difficulties with capturing and measuring some of the behaviours engaged in by stalkers/harassers, there were three main potential contributing factors that the authors of this report explored as potential limitations to effectively investigating and clearing these types of files and which may explain the wide variations across the province observed in the Cohen et al. (2017) study. First, one challenge with investigating harassment files is that they require a pattern of persistent behaviour before a charge may be warranted. Officers may, therefore, need to use departmental discretion to clear a file, rather than to clear the file by charges, if it is the first time such behaviour has been reported to the police. In effect, the use of departmental discretion may be used when a perpetrator has been given a 'cease and desist' warning by the officer. As the hotspot dataset in the report by Cohen et al. (2017) did not contain

information on individual-perpetrators, it is possible that this technique worked well in certain jurisdictions and led to higher rates of compliance and subsequently fewer calls for service for this issue.

A second potential explanation is that officers may have had difficulty establishing the evidence required to support charge approval. Particularly with threats that are verbal or psychological in nature, it may be difficult for the officer to obtain sufficient evidence of the threat posed to the victim, thereby leading to higher rates of uncleared files in some detachments or police jurisdictions. While it is unclear why this rate would vary across policing districts, as it would likely be a consistent problem across the province, this may relate to charge approval practices, as Crown Counsel in some jurisdictions may be more or less willing to approve charges with limited evidence, particularly if they have many other files simultaneously being managed that may be more likely to result in conviction (see Cohen et al., 2021 for an in-depth discussion of the complexities with obtaining charge approval in the post-*Jordan* era).

The third potential explanation draws on the varying policing models used to respond to and investigate intimate partner violence files across the province. Some jurisdictions have a dedicated domestic violence unit with highly trained investigators who are assigned to work directly with higher risk families. Other districts have a single corporal or constable who may provide guidance to general duty investigators who handle the file from start to finish. It is possible that the varying rates of identifying and clearing intimate partner violence files across the province are related to the different levels of training and experience of officers on how to investigate, document, and recommend charges in these types of files. Therefore, themes relating to training were explored in this report.

Given this, the current study sought to explore and provide explanations for the varying rates of harassment-related intimate partner violence file clearances in British Columbia through interviews conducted with specialized police investigators. These results were combined with an analysis of calls for service to RCMP detachments in British Columbia that involved one or more forms of harassing behaviour between current or former intimate partners, and analyses of the criminal history of stalking/harassment perpetrators using PRIME and CPIC sources.

## Project Methodology

This study used a mixed methods approach combining qualitative interview data with quantitative incident and criminal history data to explore harassment-related intimate partner violence investigations in British Columbia. To create the sample for the interviews, a list of domestic violence investigators working in RCMP detachments in the four policing districts of British Columbia (Lower Mainland, Vancouver Island, Southeast, and North districts) was generated by the 'E' Division RCMP and given to the research team. The lead investigators for this project sent an email to each of the suggested participants that explained the nature of the project and invited them to participate with an in-person or telephone interview. In the Lower Mainland, interviews were completed with five of the seven investigators invited to participate. Interviews were also completed with five of the six investigators invited to participate from Vancouver Island. All four of

the investigators invited to participated from the Southeast, and three of the four investigators invited to participate in the North. The overall response rate was, therefore, very good, with 17 of 21 (81 per cent) investigators agreeing to participate.

The semi-structured qualitative interviews took approximately two hours to conduct and were conducted by a single University-trained research assistant with each participant. The interviews were not audio recorded; rather, the interviewer took detailed notes in a Microsoft Excel spreadsheet as they talked with the participant. Each participant was given a randomly assigned code number to protect their privacy and confidentiality. Prior to participation, the participants each read and signed an informed consent form that was returned immediately following the interview to the Centre for Public Safety and Criminal Justice Research and stored in the Centre's secure crime lab. The interviews focused on what the investigators understood as constituting harassing versus stalking behaviours, their common strategies to investigate these types of files, and their perceived challenges with investigating and clearing these files. The data was then coded thematically by reviewing the qualitative responses for common themes and trends.

The research team received the quantitative data for this project from the Operations Strategy Branch of the 'E' Division RCMP. The RCMP provided the research team with three main databases. The first was an anonymized incident dataset of 2,010 harassment-related occurrences in 2015, hereinafter referred to as the index offence data. These occurrences involved founded files with a UCR code associated with criminal harassment, harassing communications, threats, and intimidation. The second database contained anonymized criminal record data obtained from the Canadian Police Information Centre (CPIC) for 344 individuals associated with a proportion of the 2015 files. This provided criminal history data on charges with court outcomes going as far back as 1967 up until June 2019. The third database contained more detailed police contact data pulled from the Police Records Incident Management Environment (PRIME) database. Together, the PRIME data provided details on persons of interest who were associated with police investigations regardless of whether charges were recommended or approved against that person, while the CPIC data provided a more specific view of files where charges had been approved and there was a file outcome, whether that involved a stay of proceedings or a court-related outcome, such as a conviction and disposition.

While the PRIME data was anticipated to provide a broader more detailed view of police contacts, an important caveat is the retention period for this data. Certain offences are only held in PRIME for a specified period of time once the file closes, after which the record is purged. Relevant to this project, Utter Threats and Harassing Communications files are only retained for five years once the investigation has concluded, whereas Criminal Harassment files are retained for eight years. As the PRIME data was provided to the research team in 2022, whereas the index offence dataset contained 2015 data, there are limitations to fully understanding the criminal history and recidivism patterns of offenders involved in harassment-related criminal behaviour as some of these records were purged.

Given these limitations, neither the CPIC nor PRIME datasets will provide a complete picture of the harasser's criminal history. As such, both the CPIC and PRIME databases were analyzed separately to allow for a different understanding of criminal history and recidivism in relation to the 2015 index offence, based on either police contacts (PRIME) and criminal court outcomes (CPIC). The

purpose of analyzing the police data was twofold; to provide a detailed description of the criminal profiles of offenders involved in intimate partner violence harassment-related files, and to examine the criminal offence patterns of offenders who were investigated for harassment related files.

## Interview Results

### PARTICIPANT DEMOGRAPHICS

Semi-structured qualitative interviews were conducted across the province with 17 'E' Division RCMP investigators or members of the detachment's senior management team. Interviews were conducted in each of the four policing districts of the Lower Mainland (n = 5), Island (n = 5), Southeast (n = 4), and North (n = 3). The investigators worked in a variety of capacities; however, all were employed by 'E' Division RCMP for a range of between two years to over 20 years. Some of the participants were designated domestic violence officers, others were members or supervisors of specialized domestic violence units, while others were the specialized domestic violence unit for their jurisdiction (i.e., a one-person unit). Two respondents were detachment commanders. In total, 10 of the participants identified themselves as a violence in relationships coordinator with responsibilities that included quality control of investigative files. In this role, they reviewed intimate partner violence files completed by general duty members to ensure that the files were compliant with policy and referred for higher risk consideration when necessary. These members would also assist general duty members with their investigations, such as helping them determine investigative steps in more complex files. A third main responsibility for some of these members was to act as the liaison between the police and other agencies, including the community-based victim assistance program and the Ministry of Child and Family Development. Some of the interviewees indicated that they had received training in intimate partner violence risk assessment, such as the B-SAFER, and participated in risk assessments as needed. In addition, some respondents reported engaging in education with other police members and in the community, such as by giving presentations in schools. Several noted that they participated in violence in relationships-based community groups, such as the Violence Against Women in Relationships committee for their community and the Interagency Case Assessment Team or High-Risk Domestic Violence Committee, designed to review the highest risk intimate partner violence cases. In addition to managing the domestic violence investigations, some of the participants were also in charge of other units or participated in other types of investigations, including sexual assault, child abuse, and missing persons investigations and mental health related files.

### PARTICIPANT TRAINING

In British Columbia, all police officers in the province, regardless of whether they are a specialized domestic violence investigator, coordinator, or a general duty member, must complete two online



courses pertaining to intimate partner violence investigations.<sup>1</sup> This training is standardized across the province and is required regardless of whether the police officer is an RCMP or municipal employee. The first course is the *Evidence-Based, Risk Focused Domestic Violence Investigations* that reviews what intimate partner violence is, and the main investigative steps police should follow to investigate and manage these types of files. The second course is the *Assessing Risk and Safety Planning in Domestic Violence Investigations* that provides a more in-depth review of the 19 risk factors identified as relevant to future risk for violence in relationships. Police officers across the province use the BC Summary of Domestic Violence Risk Factors template to guide their investigations of intimate partner violence calls where they are trained to provide summative narratives associated with each of the 19 identified risk factors. This tool is not a risk assessment instrument, as officers do not use it to calculate the probability that a suspect will re-offend or to categorize the suspect into an assigned category of risk (e.g., low, moderate, or high). However, several items on this tool are flagged with a dynamite indicator that denotes a higher risk for future violence if present, including the indicator for stalking. The risk factor template is used to guide the investigation and to ensure that officers are enquiring about relevant risks for future violence. The template is also designed to ensure that the police use the information gathered from the complainant (victim) regarding their relationship history, the complainant's assessment of risk versus safety, and factors related to the suspect's (perpetrator's) level of risk to determine the next steps in file management. The tool can and should be used to support bail hearings (e.g., to argue if the suspect should be detained for the safety of the victim) and in Reports to Crown to support whether and what charges are recommended.

Within the 19 factors listed on the summary template is one item specifically relevant to harassment. This item is currently labelled as "Stalking"<sup>2</sup> and it is denoted by a dynamite factor. As described by the tool, stalking includes behaviours such as harassing or stalking of a current or former intimate partner, and other signs of jealous or obsessive/controlling behaviours. As previously noted, all officers receive training on how and why to complete the BC Summary of Domestic Violence Risk Factors as part of the two online courses. Thus, all participants in the current study had gone through the police training for conducting evidence-based domestic violence investigations that contained a section on stalking/harassment. However, in the current study, few participants reported ever having received any additional training specific to harassment investigations. Specifically, 15 of the 17 respondents said they had never received training specific to criminal harassment. One of the two other respondents indicated that they had

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<sup>1</sup> In November 2021, a new [BC Evidence-Based, Risk-Focused IPV Investigations](#) course was released in conjunction with the new version of the Summary of Intimate Partner Violence Risk (formerly Summary of Domestic Violence Risk) tool used by police to guide their intimate partner violence investigations. This course contains updated information on the various risk factors associated with intimate partner violence. All police officers in the province are required to complete this updated training by December 2022.

<sup>2</sup> A recent report reviewing and providing recommendations to enhance the BC Summary of Domestic Violence Risk Factors recommended renaming this indicator as Harassment/Stalking to be more closely aligned with the language of the *Criminal Code of Canada*. However, the new Summary of Intimate Partner Violence Risk introduced in Fall 2021 located stalking behaviours within the new indicator of Coercive Controlling Behaviours.

completed workshops that contained reference to harassment and the other participant indicated they had received some training related to stalking as part of their overall Interagency Case Assessment Team (ICAT) training. Similarly, only one person indicated that they had received training on the 'new' harassing communications charge; however, this person indicated that they were alerted to this new charge through the 'E' Division email that was sent out with policy or charge updates. Therefore, it did not appear that any of the participants had received more formal training on this new charge. However, one participant suggested that new recruits coming out of their initial and primary training would likely now receive some training on this criminal offence.

Some of the participants in this study had received specialized training on risk assessment tools, such as the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) or the Stalking Assessment and Management (SAM). Both assessment tools are structured professional judgement tools that train officers to collect detailed information about relevant risk factors for stalking and/or intimate partner violence more broadly, to assess the degree to which these risk factors are present and relevant to the relationship dynamics, to assess the likelihood that these risk factors could result in violence, and to case manage accordingly. The B-SAFER (Kropp, Hart, & Belfrage, 2010) measures 15 risk factors that are divided into intimate partner violence (e.g. history and patterns of intimate partner violence, as well as attitudes towards violence), psychosocial adjustment (e.g. mental health issues, non-domestic criminal behaviours, employment issues), and victim vulnerability (e.g. the victim's access to supports/resources, their level of fear, and factors that raise their vulnerability, such as current living situation or health problems). The B-SAFER was designed to be used by police to assess for and assign a level of risk for repeat intimate partner violence and to assist officers in developing case management plans to address and reduce key risk factors. Of note, the provincial Violence Against Women in Relationships (VAVIR) policy suggests using the B-SAFER to assess when an intimate partner violence file should be considered highest risk. The SAM (Kropp, Hart, & Lyon, 2008) measures risk for stalking using 30 items, also divided into three categories: Nature of Stalking (e.g. patterns and methods of the stalking behaviour, engagement in threats, intimidation, or violence), Perpetrator Risk Factors (e.g. personality and mental health issues, antisociality, relationship issues, employment/financial issues), and Victim Vulnerability (similar to the B-SAFER, as well as the degree of impact on the victim's life). Like the B-SAFER, assessment is used to generate a level of risk that is used to inform case management.

In this sample of respondents, seven participants (41 per cent) specifically reported having completed the B-SAFER training course and two gave information suggestive of having completed this course (one completed a two-day risk assessment training specific to domestic violence, while the other completed the full five-day risk assessment training program). Some participants with B-SAFER training noted that they had infrequently applied it in the field given the relatively few cases that came to their attention that might be considered highest risk. Some participants stated that they preferred using the standard 19 risk factor template (the SDVR) because it could be completed in one hour versus the half day or more that it took to complete the B-SAFER. One participant indicated that they had only used the B-SAFER once or twice and that it took them around 20 hours to complete. It is possible that the length of time this file took was due to the complexity of the file; however, given that this participant had only completed two prior B-SAFER assessments, the amount of time it took to complete the assessment may also be the result of not having a lot of experience or familiarity with applying the tool. While they noted that there was a shorter



worksheet more recently made available that reduced the time to complete the assessment to about two to three hours, participants felt that this shortened tool would likely miss a lot of relevant information. Another participant observed that, while they had the opportunity to complete the B-SAFER program, they chose not to. Given that they were working in one of the jurisdictions where there was only one member of the unit and being told that the B-SAFER took a significant amount of time to complete, they stated that using the B-SAFER was not realistic. They also stated that because it was not used by the courts, they did not see the value in using it instead of the 19 risk factor template used province-wide to conduct police investigations and inform bail hearings. It is important to note that neither the province-wide training nor the B-SAFER training is specific to stalking/harassment investigations, although both sets of training do discuss stalking/harassment within the larger context of violence in relationships. Still, given the emphasis in the VAWIR policy on the use of tools like the B-SAFER to assess for highest-risk cases of intimate partner violence, it was surprising that this tool was not used very often by those who were considered to be specialized intimate partner violence investigators.

Only four participants had ever completed the SAM training. Two of the participants specifically noted that they had never heard of the SAM, but upon hearing about it, indicated that they thought it would be useful. However, two of the four who reported having received the SAM training felt that it was more appropriate for use in non-intimate partner violence related stalking cases, and that the B-SAFER tool was more useful to assess and manage stalking/harassment in the context of intimate partner violence related cases. These participants felt that the B-SAFER was more relevant to assessing overall patterns of abuse within the context of intimate relationships. A third participant noted that they would use the SAM every few months but, rather than do a full assessment, they used the SAM to guide their report writing so they could articulate the relevant risk factors more clearly. Like the previous participant, this participant noted that the B-SAFER would be more appropriate in this context given that it included components related to the nature of the existing or pre-existing intimate relationship. Another participant indicated that they did not use the SAM often as their fallback, implying that they more commonly used their more standard training on intimate partner violence investigations.

One participant noted that they were actively searching for more information on stalking/harassment but was having difficulty finding anything that was specific to these types of investigations. This lack of information might be based on the notion that a majority of courses or training are more general to risk for intimate partner violence as a whole. Their rationale for seeking out more training in this area was that they felt these files were exceptionally complex and required more of an understanding of underlying psychological dynamics, whereas most of the existing training focused on the violent nature of the relationship. This is important to keep in mind because the existing academic literature similarly finds that there is a lack of understanding about the underlying dynamics of stalking/harassment and the nature of the investigations that need to be conducted by police officers that has contributed to low rates of recognition of these offences within intimate partner violence calls for service (e.g., Brady & Nobles, 2017; Garza et al., 2020). Notably, as one participant pointed out, only one domestic violence unit in the province formally recognizes the importance of stalking/harassment. This unit is the Vancouver Police Department's specialized unit, which is specifically labelled the Domestic Violence and Criminal Harassment Unit. The Vancouver Police Department reportedly uses a number of more advanced risk assessment

tools to assess for different aspects of violence in relationships, including the SAM, the HCR-20, and the Spousal Assault Risk Assessment guide (SARA), which is the longer form version of the B-SAFER (Millar et al., 2013). While used by some police agencies, the SARA is more likely to be completed by an assessor who is clinically trained, whereas the B-SAFER was designed specifically for use by law enforcement agencies. Unfortunately, as no members from the VPD's Domestic Violence and Criminal Harassment Unit participated in the current study, information regarding the training and application of these tools and the degree to which they aid in the investigations of these files was not available.

## **PARTICIPANT DEFINITIONS OF CRIMINAL HARASSMENT**

Investigators were asked to define criminal harassment and to explain whether or how they differentiated harassment from stalking. Four participants did not provide a working definition of harassment, instead simply stating that they defined it as it was laid out in the *Canadian Criminal Code*. As noted earlier, the *Canadian Criminal Code* defines criminal harassment (s 264.1) as repeated behaviours, such as following, communicating, or watching the home/workplace that causes fear. The main elements of this definition are *repeated* behaviours that are *fear* inducing. Whereas American legislation includes the additional concept of the behaviour being unwanted, this is not part of the Canadian legal definition of criminal harassment. Despite this, when asked to provide a working definition of criminal harassment, the most common phrase provided by participants was 'unwanted' (n = 7). For these participants, once the victim had communicated to the perpetrator that the behaviour was unwanted, any subsequent behaviour crossed the threshold into criminal harassment giving the investigator legal grounds to intervene. Relatedly, the next most common theme (n = 6) was 'repeated' and this phrase often co-occurred with 'unwanted'. For these participants, the main components of the crime were repeated behaviours following communication from the victim that the behaviours were unwanted.

Surprisingly, given that it is a part of the legal definition of criminal harassment, 'fear' was only described by three of the participants in their definition of this offence. However, this may be because the focus of the legislation is more specifically on harassment, which is interpreted to be behaviours causing anger, frustration, or annoyance, whereas stalking, at least in the academic literature and non-Canadian legislation, occurs once the victim expresses a level of fear. Of note, prior research suggests that not all victims will respond to stalking/harassment with fear (e.g., Dreke et al., 2020). In their examination of stalking files investigated by the Colorado Springs Police Department, Tjaden and Thoennes (2000) coded the police and victim narratives to assess the 'victim's emotional state'. Of the nine emotional states they identified, fear was not listed. Instead, the victims were recorded as calm, hysterical, angry, withdrawn, apologetic, crying, yelling, belligerent, or combative. The most common emotional state for victims of stalking was calm (58 per cent), followed by crying (21.8 per cent). They further noted that "women who alleged stalking by their partners were significantly less likely than women who did not allege stalking to be emotionally distraught at the time of the report" (p. 434). This may explain why relatively few stalking charges have been pursued in the United States despite the proliferation of stalking-specific legislation. Further, this suggests that fear may not be a reliable factor to base the

assessment upon. This appears to be reflected by the participants in the current study for whom 'fear' appeared to be a relatively uncommon aspect of the offence.

## **PARTICIPANT DEFINITIONS OF HARASSMENT VERSUS STALKING**

As previously noted, Canada does not have a separate legislative category for stalking. Instead, stalking can be interpreted as falling under Criminal Harassment (Section 264.1) as this section is defined by following, communicating, or watching the victim in a way that causes them to feel fear. Not surprisingly, while differentiated in the academic literature and some existing legislation in other jurisdictions, given the extent to which these concepts are conflated in the Canadian legislation, there was significant confusion amongst the respondents about whether and how harassment was different from stalking. When asked to describe the main difference between these terms, many participants could not do so or did so incorrectly. Most (n = 11; 65 per cent) participants thought they were the same thing, although not all were confident in this assessment saying they 'thought' they were the same or 'could be' the same.

Two participants explained that stalking and harassment were different concepts but referred to the *Canadian Criminal Code* in their response. They noted that there was no code for stalking and so these two concepts were treated the same under Canadian law. Another participant said that while they understood the distinction between these behaviours in practice, they used the term 'criminal harassment' at work and 'stalking' in public because that was the language most often used by these relative groups. Similarly, another participant indicated that what the public would refer to as stalking would fall under criminal harassment and so while there is no specific offence for stalking, it is treated the same under Canadian law. One participant who explained that stalking and harassment were different described stalking as what occurs following the termination of a relationship and noted that harassment could be part of this but also included when the perpetrator engaged in behaviours that made it difficult for the victim to live or work in the community, such as by attacking their reputation. This participant noted that they relied on how the victim described their experience to define whether the perpetrator's behaviour was stalking or harassment, although they did not specifically differentiate the two concepts by whether the victim felt fearful or angry.

Several participants held an incorrect interpretation of how stalking and harassment differed that was inconsistent with policy, legislation, and the literature. Two participants believed that stalking was harassment between non-intimate partners (e.g., a stranger stalking), while harassment was the same behaviour but occurred between current or former intimate partners. Conversely, one participant thought they were the same but when asked how to distinguish between the two concepts, they felt that criminal harassment was more generic whereas stalking was more likely to be specific to intimate partner relationships. Two other participants thought that harassment was communication-based while stalking was the more physical form of this behaviour. For example, one thought that harassment was more serious than stalking due to the perceived sophistication of and persistence in harassment, whereas a victim might know that they were being stalked. One participant thought that stalking was more difficult to prove than harassment and so they indicated that they typically combined the two terms to support a stronger charge, while another participant

indicated that they could not recall the last time they had charged someone with stalking. These latter responses do not capture the fact that there is no stalking related charge in the *Canadian Criminal Code*. Finally, one participant indicated that they felt stalking and harassment were the same type of behaviour but also correctly noted that on the Summary of Domestic Violence Risk Factors template, the language used is stalking. Still, they noted that they treated these two concepts as the same, although they felt that the main difference between the two concepts was that stalking was when someone following another person, whereas harassment was behaviour that was more overt. Yet, this participant also noted that fear was relevant.

In sum, among this sample of RCMP members, consistent with past academic literature with police samples, there was general confusion regarding whether and how harassment differed from stalking. Whereas in the academic literature, one of the key differences between stalking and harassment is that stalking involves an element of fear while harassment is more perceived as an annoyance, this distinction was not made by the participants. However, this was not unexpected given the lack of training police officers received on this particular type of intimate partner violence and the fact that the *Canadian Criminal Code* does not distinguish between stalking and harassment. Still, it was concerning that some of the participants' responses suggested that there was, in fact, a distinct criminal code relating to stalking when there is not one in Canadian legislation.

## **FREQUENCY OF HARASSMENT-RELATED INVESTIGATIONS**

The literature reviewed above found that, in Canada, stalking is experienced by around 6% of Canadians 15 years of age and older. However, within intimate relationships, it is a much more common occurrence. Still, of the 17 participants working specifically in the area of intimate partner violence, only eight participants (47 per cent) reported that stalking/harassment files were relatively common. This was more likely to be a factor in files where the perpetrator was considered high risk (e.g., when there was a threat of serious bodily harm or death). One participant noted that it was common due to the emotional nature of these types of files, while another felt it was present in nearly every case they dealt with because it was a common tactic for the perpetrator to coercively control the victim. This latter response fits with the literature discussed above where it was observed that intimate partner stalking/harassment most likely occurs in or following the end of an abusive relationship where psychological control has occurred. Given this, it was concerning that only half of the participants interpreted stalking/harassing behaviours as common to intimate partner violence files, though this is consistent with the conclusions of some studies that stalking/harassment is not always detected or identified by police.

Further, four of the participants felt that criminal harassment was not common. Three of these participants noted that, while it may occur more often within the files, it was very difficult to prove and typically occurred alongside other types of crimes, such as violence. Given this, the perpetrator received other charges other than criminal harassment. One participant who was unsure how common criminal harassment was felt that it occurred more often when there was shared property or children that required a former couple to continue interacting with each other. In effect, it depended on how 'clean' the breakup was. Another participant said it would depend on detachment or agency size. In effect, this participant reported that while nearly all their files involved some aspects of criminal harassment, this may not be true of detachments managing less serious files.

However, comparing the policing district by whether criminal harassment was seen to be common resulted mixed responses amongst those in the Lower Mainland and Southeast districts. In contrast, most of those participating from the Island district felt that it was relatively common whereas those in the North district did not seem to think that harassment files were particularly common.

In contrast, nine participants (53 per cent) felt that harassing communications was a very common offence that they dealt with, even more often than criminal harassment. This was an interesting perception given that this trend was not supported by the offence data discussed in the next section of this report. Often, harassing communications was noted to occur in the context of a breach of no contact. For example, if there was a no contact order in place that prevented the perpetrator from communicating with the victim, the perpetrator might attempt to contact the victim over social media or by texting. However, it was unclear whether the participants would recommend a harassing communications charge or proceed via a breach of conditions.

Participants were also asked about the frequency of the two other offence categories that might include harassing behaviours. While intimidation was said to occur very rarely, as it was typically interpreted more specifically as the intimidation of a witness, uttering threats was estimated to occur in about half of intimate partner violence files. For those who reported that this occurred more often, two participants said they occurred in nearly every file, two others said they occurred much more often than criminal harassment or harassing communications, and one noted that this often occurred alongside incidents of criminal harassment or assault. In contrast, two participants said intimidation and uttering threats occurred less often than harassment-related files, and one noted that they were very uncommon. Participants were asked to provide some example behaviours that might be considered threats. Common examples included the perpetrator saying they were going to kill or harm the victim, for example, as retaliation for reporting them to the police. Some participants also observed that perpetrators commonly made threats about people that the victim cared about, such as their children, parents, co-workers, friends, or pets, or a perpetrator might threaten the livelihood of the victim, such as by threatening to ruin their career, or the perpetrator might threaten to harm themselves to coerce compliance from the victim.

While this study was unable to compare the frequency and nature of threats made by perpetrators, one reason why there may have been a common finding of threats against loved ones was that the harassment in these cases was an attempt to exert some degree of control over the victim. By threatening loved ones, the perpetrator was likely attempting to coerce the victim into complying with some demand, such as to re-engage in the intimate relationship. Similarly, some participants observed that the perpetrator would make threats to harm themselves as a method of obtaining victim compliance. Future research should explore whether and how the nature and subjects of the threats made by the perpetrator varied from threats against the victim only versus threats towards loved ones, such as children, family members, pets, and what role this plays in coercive control. Further, as prior research suggested that stalking-precipitated intimate partner homicide was more likely to occur when the perpetrator had made previous threats to the victim, **understanding the role of threats as part of a coercive controlling relationship and how this coincides with the stalking/harassing behaviour is important for understanding risk for future lethality.**

Interestingly, when participants were asked to identify behaviours that were common in a criminal harassment file, several identified behaviours that would be more indicative of harassing

communications due to the method involved. Again, criminal harassment involves repeatedly following, watching, threatening, or communicating with the victim, whereas harassing communications involves repeated communications with the intent to harass by means of telecommunication, which would include the telephone, computer, internet and, presumably, social media messages. Yet, when asked to describe behaviours that would indicate criminal harassment, 13 of the participants (76 per cent) gave examples that included unwanted repeated communications via texting, phoning, or via social media (e.g., Facebook). Only two participants described behaviours that were limited to watching, following, or besetting the property.

When asked to provide examples of behaviours that would indicate harassing communications, seven participants (41 per cent) either directly said it was the same as criminal harassment or gave examples that were similar in nature by referencing repeated texting, phone calls, or emails. One participant, while acknowledging that “social media is more for harassing communications” went on to say that “I think criminal harassment and harassing communications is the same thing in the *Criminal Code*”, even though these are separate offences with very different potential penalties (up to 10 years in prison for criminal harassment versus two years in prison for harassing communications). Others felt that harassing communications was a less serious form of criminal harassment. Two participants distinguished criminal harassment from harassing communications based on whether there was fear. They described criminal harassment as when the victim was fearful and harassing communication as when the victim had not reached that level of fear. However, they did not distinguish between the behaviours that were causing the response, thereby essentially treating them as the same. Only the two participants who initially gave behavioural examples consistent with criminal harassment as described in the *Canadian Criminal Code* correctly distinguished between criminal harassment (watching, following, besetting) and harassing communications (repeated texting, phoning, emailing).

It appears then that, likely due to the lack of training on stalking/harassment and on the newer offence of harassing communications, police officers have a tendency to fall back on the use of criminal harassment as opposed to the more recent charge of harassing communications, particularly given that while both are hybrid offences that could be prosecuted as an indictable offence, criminal harassment can result in a penalty of up to ten years imprisonment whereas harassing communications is limited to two years imprisonment. However, given that harassing communications does not require the element of fear to be expressed, this may actually be an easier file for police to provide evidence in support of a charge, particularly when the victim appears to be more frustrated or angry than fearful and where the behaviours have primarily occurred online or via the telephone and, consequently, physical or digital evidence may be available to support the recommended charge.

## **INVESTIGATIONS OF HARASSMENT-RELATED INTIMATE PARTNER VIOLENCE**

The participants were asked about their methods of investigation when a file came to them with elements of intimate partner violence harassment. Two participants mentioned using a criminal harassment checklist or form that they went through to ensure the elements of the offence had been met, and that this checklist also provided investigative steps, such as recommending that the victim change their phone number and advise friends/family to be on the lookout for the suspect. A



third participant noted that there was a criminal harassment template they completed, though they did not describe it. It is unclear whether this template is detachment specific or used province wide, though to the researcher's knowledge, there is not a provincial-wide supplementary tool available to support police investigations of harassment files. Overall, the most important steps, as identified by participants, were obtaining a good statement from the victim, and obtaining the evidence to support a charge.

The steps to investigate harassment related intimate partner violence was the same as to investigate other intimate partner violence calls for service. These steps included separating the victim from the suspect, obtaining statements from each party, and collecting any available evidence, such as witness statements and the suspect's phone if they had been or were engaging in harassing communications. However, as criminal harassment requires a pattern of behaviour to be demonstrated, one participant felt that these were difficult files to complete. They explained that they took time to complete when compared to threats, for example, because to support a recommended charge for uttering threats, the police only needed to provide evidence that the suspect had the potential to carry out what they said they were going to do. Thus, one participant specifically noted that when conducting a harassment investigation, it was important for the investigator to issue a warning to the suspect about the inappropriateness of their behaviour and warn them that, if they continued with this behaviour, it may result in criminal charges. In this case, the police had something to fall back on should the harassment persist.

When it came to identifying whether someone was being harassed, although not defined as such in the *Canadian Criminal Code*, many participants focused their investigation on whether the contact was unwanted. They noted asking the victim to clarify whether the suspect knew that their behaviour was unwelcomed. While not intending to put the responsibility onto the victim, and although 'unwanted' is not an element of the offence according to the *Canadian Criminal Code*, for investigating officers, the behaviour only crossed the threshold to criminality once the suspect had been clearly told to stop but refused to comply. At that point, the police interpreted the behaviour to be harassing in that the repeated contact caused anger, frustration, or fear in the victim (again, only the latter is considered under the *Criminal Code* as an element of the offence). The participants felt that for a criminal charge to be supported, they had to be able to show that the communication or attention was unwanted, the victim or a police officer directly told the suspect to stop contacting the victim, and the suspect failed to stop attempting contact with the victim.

The participants felt that if the perpetrator continued to engage in repeated conduct after being told to stop, the behaviour would constitute harassment. Some of the officers followed a protocol of warning the perpetrator of this, specifically telling them that if they continued to engage in unwanted attempts to communicate with the victim that it would be considered a criminal act and they could face criminal charges. In describing their actions, several participants referred to a Harassment Warning Form letter as an example of how they could accomplish this warning. The Harassment Warning letter is a form letter that provides a formal warning to the individual that what they were doing constituted criminal behaviour and if they failed to desist, they would be criminally charged with harassment. Using the form letter provided police with the documented evidence that they had formally warned the individual about their behaviour. The letter explained the behaviour, the possible outcome of continuing that behaviour, and a copy of the criminal code of

the relevant section. Unfortunately, very few officers appeared to use the Harassment Warning letter and so most did not raise this tactic during the interviews as part of their typical practice. Of note, this is a practice also used in the United Kingdom where police should issue a Police Information Notice (PIN) at the first instance of stalking/harassment. However, Taylor-Dunn et al. (2021) found that police tended not to use this system correctly, such as not issuing a PIN until after multiple incidents of stalking/harassment had been reported, if they issued one at all. **It appears that more awareness and training for police should focus on the availability, purpose, and intended effects of the Harassment Warning letter.**

One participant suggested that suspects will often desist after being warned that their behaviour was approaching the threshold for a criminal charge. This participant also noted that they would typically provide the victim with strategies to counter the harassment, such as changing their privacy settings on social media and keeping a log of unwanted communications. Therefore, it is unclear if it is the warning by the officer or the victim taking action that has the greater deterrent effect on the suspect and prevented them from continuing in their behaviour. **Further research with suspects in stalking/harassment files is needed to assess how the police warning is received and the degree to which it alone is a sufficient deterrent to prevent re-occurrences.** This report will indirectly address this question with the analysis of recidivism data presented below.

## VICTIMS AS INVESTIGATORS

Given that harassment involves a repetitive behaviour that persists even after it has been communicated as unwanted, participants observed that it was helpful when victims documented or journaled the interactions or instances in which they had been harassed. This may involve taking screen shots of online or text harassment, taking photographs of the harasser when they are engaged in stalking-like behaviours, and saving voice messages or emails sent by their harasser. This is essentially the 'stalking incident log' referred to in prior research (e.g., Backes et al., 2020; Dreke et al., 2021; Nichols, 2020). Participants reported that victims may bring these pieces of evidence with them when they request to open a police file; however, one participant observed that, due to a recent court case, police officers must now obtain a warrant to use the victim's phone for evidence as it may be considered an unreasonable search and seizure otherwise (see Cohen et al., 2021 for a more in-depth discussion of this case). Some victims have also been known to complete a diary where they journal all unwanted contacts. Essentially, the victims have become crime scene investigators as they document evidence of their victimization. This puts a significant amount of pressure on the victim as the onus is placed on them to collect the evidence needed to prove that they are the victims of harassment. However, officers suggested that having a victim journal when the harassment occurs, how it occurs, what is said, and how it made them feel (e.g., fear, anger, frustration) can provide a great degree of assistance for the police to establish and demonstrate a pattern of repetitive behaviour. Systematically collecting this information can also help the victim and the police articulate when and why these behaviours have produced a sense of fear, which can be essential in forming the charge recommendations to Crown Counsel. Dreke et al. (2020) recommended that **police should show victims how they can best capture this evidence in a way that will assist the investigation and potentially be used in court.** However, given the



potential burden that maintaining this log may place on victims, **future research should be conducted with victims of intimate partner violence stalking/harassment to assess the degree to which they understand and are willing to participate in the collection of data to support the harassment investigation, and to assess the degree to which this affects their satisfaction with the police response to their file.**

Technology has not only provided more ways to engage in stalking/harassment, but it also poses new challenges to stalking/harassment investigations (Dreke et al., 2020). Participants observed that victims of harassment would often have saved phone messages, lengthy voicemails, repeated text messages, or persistent emails sent one after another at all hours of the day. Victims may also have other evidence of harassing behaviours, such as home security camera footage. Still, proving that the suspect was the one who committed the behaviour was noted to be difficult. For example, with free Wi-Fi in many public areas, it can be difficult to prove that it was the individual in question that sent an anonymous message over social media when the message was not tied to a unique IP address. Similarly, if several people live in the home where the harassing or threatening messages were sent from, it can be difficult to prove that it was the suspect and not another household member who sent the harassing communications. Therefore, several participants observed that they needed to obtain both sides of the story to support a charge going forward. As expected, this can increase the complexity of the investigation as officers may need to write production orders and warrants to seize the perpetrator's phone or computer to obtain and provide evidence that the accused person harassed the victim. Further, participants implied that there was a challenge wherein investigators needed access to the perpetrator's cell phone, computer, or vehicle to support the harassment-related charge, but may be unable to obtain the production order or warrant due to a lack of evidence, as they are unable to rely solely upon the victim's copies of the harassing communications as sufficient evidence to obtain a production order or warrant.

Due to recent case law (see Cohen et al., 2021), it was even more challenging for the police when a victim provided their phone to the police as evidence because police are also required to submit a warrant or production order for the phone as it contains communications from a third party who has a reasonable expectation of privacy.<sup>3</sup> This is challenging both because of the lengthy nature of the paperwork required to obtain a production order but also because many frontline officers do not have the knowledge or skills to effectively write these orders. As a result, supervisors are often required to send the frontline member's paperwork back for further work before they can submit it to a judge. The amount of time required to write these orders and the subsequent length of time it

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<sup>3</sup> In *R. v. Marakah*, 2017 SCC 59, [2017] 2 S.C.R. 608, text messages that were obtained from the recipient's cell phone without a warrant and were used to convict the sender were found by the Supreme Court of Canada to be unconstitutionally obtained in violation of Section 8 of the *Canadian Charter of Rights and Freedom*. The violation of the right to be free from unreasonable search and seizure resulted in an acquittal of the defendant. Conversely, in *R. v. Jones* 2017 SCC 60, [2017] 2 S.C.R. 696, the Supreme Court of Canada held that while the content of text messages were subject to a reasonable expectation of privacy, in this case, given that the police had obtained the text message content via a production order under section 487.012 of the *Canadian Criminal Code*, the seizure of those messages was considered to be legal and the defendant's appeal was dismissed.

can take to receive any evidence subsequently seized from the phone may be deterrents to recommending charges of criminal harassment or harassing communications. **Given this, it may be worthwhile to examine whether it might be more effective and efficient to have dedicated support staff members who could be tasked with writing warrant and production orders for these kinds of files to better assist frontline officers and allow them to focus on the investigation and conducting follow ups with the involved parties, rather than focusing their time on the complexities of writing legal requests for information.** Another option that may be worth exploring would be to **implement a regional or provincial stalking/harassment team or expert(s)** who can provide guidance and support for these more complex investigations.

Regarding other skillsets or resources needed to effectively investigate these types of files, the most common answer given was time. Given the need to monitor the suspect or follow up with the complainant to check for continued harassing behaviour, in addition to the complexity of compiling the required evidence to support a criminal charge, participants noted that investigating these kinds of files could take a significant amount of time. However, participants expressed that, given the policing structure in British Columbia, in many cases, these files were left with general duty members to complete all aspects of the investigation. It was the overall sentiment of participants that, due to no fault of their own, general duty members typically did not have the necessary time to commit to a full investigation given that their main responsibilities included responding to incoming calls for service. Yet, there appears to be the need for investigators to be persistent and diligent in these files. In effect, it was felt by participants that once a suspect believed no one was watching them or paying attention to their case, they would be more likely to fall back into their stalking/harassing behaviours. Time was also a challenge with these investigations as participants noted that it could be difficult to manage these files in between other calls, particularly when there was a need to submit paperwork for a cell phone or computer production order or to submit a formal request to a social media company to access a suspect's social media page or messages. Of note, the academic literature also observed the importance of staying connected with victims of intimate partner stalking/harassment, as a lack of follow-up was associated with a negative perception of the police response (Taylor-Dunn et al., 2021). However, in British Columbia where the majority of intimate partner violence files are handled from dispatch to the report to Crown Counsel by frontline general duty members, this level of file engagement will often not be practical or achievable.

Following their concern with having sufficient time for these types of files, the next most common need to properly conduct intimate partner harassment investigations was training. One participant suggested that a harassment-specific training course would be helpful, another participant mentioned a surveillance course, and a third participant implied that training on writing search warrants and production orders would be useful. The remaining responses included a lack of experience, the need for more meaningful partnerships with others who could assist with the follow ups, such as probation officers, and familiarity with the 19 risk factors.

The participants were also asked about what the main challenges of conducting harassment investigations were. Consistent with the academic literature (e.g., Backes et al., 2020), the slight majority (n = 9; 53 per cent) of participants reported that being able to obtain the evidence necessary to prove that harassment occurred was the most challenging aspect of these files. Similar

to the study results from Weller et al. (2013), one participant observed that these kinds of files were often 'he said-she said' and so obtaining evidence was necessary to support a charge. Again, this might involve pressure on the victim to log the frequency and nature of the harassing behaviour or to provide their cell phone for analysis as evidence of the harassment, which may be complicated by the need to hold the cell phone for several months or more to facilitate digital analysis (see Cohen et al., 2021 for a further discussion of the issues with obtaining digital evidence during a police investigation).

Beyond this main challenge, the next most common difficult aspect of these investigations was reported to be the victims themselves. One participant said that victims were sometimes unwilling to give up their phone as they felt they may look bad in terms of how they themselves have interacted with the suspect, such as by calling the suspect an offensive name. However, another participant observed that having to collect the phone to obtain a production order to access the messages meant that the victim would be without their phone for a significant period of time. This may pose a threat to the victim's safety as the phone might be their 'lifeline' and there are a limited number of phones that victim services can lend out while a victim's phone is being analyzed by the police. Another challenge was the difficulty with having victims articulate their level of concern or fear, or when the victim returned to the relationship or refused to participate in court. Several participants commented that many complainants just wanted the harassment to stop and did not want the suspect to be charged. As a result, some files may be concluded by way of the complainant not wanting to support criminal charges against the suspect. This is consistent with the academic literature, where the primary desire of those reporting stalking/harassment in Taylor-Dunn et al.'s (2021) study was for the harassment to stop.

Dreke et al. (2020) also noted that it may not be unreasonable for a victim of stalking/harassment to continue communicating with the ex-intimate partner, as they may believe that this lessens the likelihood of the stalker/harasser escalating their behaviour. For example, the victim may believe that communicating via text would prevent their stalker/harasser from showing up in person, or that maintaining communication with them, despite the communication being unwanted, gave the victim insight into their perpetrator's current mental state and the potential degree of threat that the perpetrator posed to them (Dreke et al., 2020). It is also common for intimate partner stalking victims to be forced to continue engaging with their stalker/harasser, if there are ongoing court hearings or shared custody of children (Dreke et al., 2020). Still, victims may not want to disclose this ongoing communication to the investigator as they may feel it might result in being blamed, or that it may be viewed as evidence that they were not fearful of the perpetrator. **Police need to ensure that they enquire about ongoing communication between the victim of intimate stalking/harassment to understand the underlying motivations for continued contact**, as this may show, for example, that the victim was indeed fearful of the stalker/harasser and engaged in communication only as a way to lessen the potential threat that they believed they faced.

Lastly, meeting the threshold required for the behaviour to be considered criminal was a particular challenge, especially for general duty members who tended to be less familiar with the elements of the offence compared to more specialized domestic violence investigators. While all police officers in the province are trained to understand that intimate partner violence is a course of conduct as opposed to a singular event, the nuanced behaviours that are common in stalking/harassment may

not be detected or fully understood by general duty frontline members who have not received further training regarding the relationship of stalking/harassment to coercive control. Whereas it is likely not feasible to recommend that all harassment-related files be given to specially trained investigators to investigate and manage, **those perpetrators who fail to desist after the initial warning to stop could potentially be transferred to domestic violence investigators who are more likely to have the necessary skill sets and the ability to dedicate more of their time to conducting an intensive investigation that could lead to the successful laying of criminal charges.** Further, given that the academic literature consistently identified stalking as a risk factor for future lethal violence, **stalkers/harassers of intimate partners that persist in their behaviour, even after being warned, are likely good candidates to refer for a more complete risk assessment and ICAT case management.** Alternatively, as will be discussed below, **implementing a stalking/harassment supplementary tool that guides frontline officers investigations into these files should assist in enhancing the police management of these complex files.**

### ASSESSMENT OF FEAR

Although not commonly part of how participants defined criminal harassment, fear felt by the victim is a stated element of the criminal offence in Canada. However, participants noted that fear was difficult to assess. One challenge is that victim responses varied and, while some victims may fear that the individual will cause harm to them or others, other victims responded with feelings of anger or frustration. This range of emotional responses are all normal reactions to experiencing a traumatic incident. One participant acknowledged that fear was helpful to indicate the level of danger posed to the victim but that it was not always present. Problematically, the absence of the victim mentioning that they were fearful or experienced fear did not indicate that the victim was not at risk. In fact, participants indicated that victims may more commonly report a level of annoyance rather than a level of fear. Of concern, one participant noted that when a victim was clearly distraught, the officer would put more effort into the file than when someone was calm and unemotional about their harassment experience. **This suggests that more trauma-informed training would be beneficial to help police, and particularly frontline general duty members, understand the wider range of ways that victims may normally present or respond to a traumatizing or threatening incident.**

Participants also suggested that the victim may have a distorted perception of fear, which was consistent with the academic literature that identified that victims often underestimated risk. One concern expressed by participants was that, given the length of time that the harassment may have been going on for, a victim's level of fear may have levelled out and they underestimate the risk they face and the extent to which the harassment is affecting their life. It may not be uncommon for victims will underreport their victimization when speaking with the officer and that it is only with further questioning that the victim will divulge that harassing/stalking behaviours have been going on for months. Again, this is consistent with the academic literature that suggests that victims only report stalking/harassment once it becomes intrusive into their daily life, escalated to the point of threats/violence, or when they had run out of options to manage the perpetrator's behaviours on

their own. It is unlikely that the first reported incident of stalking/harassment was the only such incident for that victim.

A second main theme raised by participants in relation to the concept of fear was that it could be difficult to prove. Again, given that it is an element of the *Canadian Criminal Code* offence, indicating that one experienced fear would be necessary to support a criminal charge going forward.

Participants in the current study reported that they had trouble relying on a victim's emotional response as a way of assessing the severity of the situation. This could be due to instability in their emotional response, as victims may vacillate from feeling fearful to feeling annoyed. It could also be difficult for officers to draw out how a victim was feeling as they did not know how to ask the right questions to appropriately assess and record these emotions. One participant observed that officers were typically prepared for victims to be angry, but when they showed real fear, officers may not feel adequately prepared to deal with this. Moreover, it may be difficult for officers to truly assess and appreciate the level of fear victims may articulate because of the subjective nature of fear. Participants specifically noted that it could be hard to determine what has made the victim so fearful as what may be used to incite fear in a victim of intimate partner violence may not constitute a fear invoking situation for others. One participant indicated that they would inquire what was motivating the fearful reaction and, if it was due to a threat being made, they would be able to proceed with a charge. Thus, if the harassing behaviour shifted into threatening behaviour, officers felt they would have a more clear-cut case for a criminal charge.

This raises the question of how often criminal harassment charges coincided with other criminal charges, such as for threats or assaults, and how often they may be displaced with these other potentially easier to prove criminal charges. In this case, one participant specifically noted that they would proceed with an uttering threat charge in this scenario, rather than harassment, even though the incident may have originated from a harassing sequence of behaviours. This participant also indicated that they would not use fear to support whether a charge would be laid but would use the degree of fear expressed by the victim to inform their assessment of the level of risk facing the victim. Similarly, a second participant said that they would still proceed with charges even if fear was not articulated, but that they would see the file as more urgent or higher risk if fear was a component. Furthermore, this participant disclosed that it might change the actions they took regarding safety planning for the victim. Another participant said that fear of physical harm was required to support a charge. This participant recognized that the victim may fear other outcomes, such as becoming homeless because of the perpetrator's actions, but if they did not actually fear physical harm, the officer would not be able to secure charge approval.

Although it is an element of the offence, six (35 per cent) participants suggested that fear was not actually necessary to support a criminal charge. Three explained that it was helpful to include but not necessary for moving forward with a criminal charge. One of these participants noted that, while their investigations looked at the elements of the offence as outlined in the *Canadian Criminal Code*, the presence of fear did not play a particularly large role in their investigation. One participant was not sure what role fear might play in a criminal harassment investigation, despite fear being a required element of the offence. Of note, six other participants clearly indicated that they needed to demonstrate fear to support charge approval. These varied responses implied that there was a significant amount of confusion among investigators about whether fear was required

to support a criminal charge for criminal harassment, how to assess and document a victim's level of fear, and how to interpret the situation when the victim expressed an emotion other than fear. This may affect the likelihood of recommended charges being approved by Crown Counsel, as they considered the likelihood of obtaining a conviction as part of their charge assessment. If there was not sufficient evidence to support an element of the offence, this might result in charges being declined by Crown Counsel. Given this, **further training specific to the investigation of criminal harassment and other related behaviours is needed to ensure that police are completing harassment investigations that are consistent with the *Canadian Criminal Code* definitions.**

## **DETERRENCE AND SAFETY STRATEGIES**

Nine (53 per cent) of the participants felt that harassing behaviours were very difficult to deter given that the suspect may also show signs of obsessive and jealous behaviours or a sense of entitlement towards the victim. When children were present in the relationship, approximately two-thirds (n = 11; 65 per cent) of participants observed that the harasser would often use the children to manipulate the victim, such as by threatening to take the victim to court for access to the children or by threatening to call the Ministry of Child and Family Development on the victim. Harassers sometimes used the children to monitor the activities of the victim, such as by asking them about who their mother was talking to or spending time with or even by putting listening devices in the children's toys. In effect, participants found that children were both manipulated and used by persistent harassers to excuse or explain their continued communication with the victim as being necessary and appropriate for the children's wellbeing.

As mentioned above, not all offenders were easy to deter from harassing or stalking behaviour. Although participants did not identify a common profile of a harasser, two reasons for this may be related to mental health issues and substance abuse. Stalker/harassers who persisted in their stalking/harassing behaviours were more likely to have engaged in similar attempts at psychological control during the relationship and have difficulty letting go of the victim. Also, it is possible that when these issues were present, it was much more difficult for the perpetrator to control their behaviour because mental health and addiction issues can act as destabilizers.

**However, much more research is required into the effect of these characteristics on the continued perpetration of intimate partner violence harassment, and how these characteristics effect the severity of the threat posed by the perpetrator to the victim.**

When asked what strategies could work to prevent reoccurring harassment, one main theme was that personal and targeted attention by the police towards the perpetrator could serve as a deterrent. Examples included doing 30 and 60 day follow ups, working with probation services to check on the offender's compliance with release conditions if any were present, or having a phone conversation to let the suspect know that they were being watched or to suggest offers of support in terms of connecting the suspect to community-based programs. A few participants noted that some suspects could be deterred with a warning, a charge, or jail time, but others observed that, depending on the offender, it was possible that no charge would be enough to deter their behaviour. Several participants felt that warnings could work with lower-risk suspects without a prior history who may not be aware that their behaviour constituted harassment or was causing the victim to feel fear. With suspects who had a criminal history, whether for harassment-related



charges, warnings were not seen as an effective tool. As will be discussed below, the quantitative data supports that there is a main group of intimate partner violence-harassers without a criminal history who, once in contact with the police regarding their harassing behaviours, desist from these behaviours in the future. In contrast, a smaller group of intimate partner violence-harassers who persisted in harassing behaviours also appeared to be more likely to have a criminal history.

Participants were asked about the steps they commonly took when managing a harassment related intimate partner violence file and were provided with a list of options to select from. The most endorsed strategy was to encourage the victim to take screenshots/photos of the evidence of harassment. Again, there was the concern that this type of evidence was not always admissible in court due to concerns about privacy and would require a warrant or production order to obtain legally. It was interesting that most of the participants did not acknowledge this caveat, potentially suggesting that they were not aware of these recent court decisions. The next most common strategies were to recommend that the victim keep a harassment journal or log where they could record each incident of harassment in terms of the day, time of day, method of communication, and nature of communication, as well as target hardening the victim's home. On this issue, participants recommended that victims connect with the Crime Prevention through Environmental Design program run through community police offices or other police volunteer-based programs to have an assessment of their home completed. In addition, one participant indicated that they would put a flag on the victim's file, such that if a 9-1-1 call came in from their home, it would be flagged as a 'hazard' generating a priority call assignment. However, this did not appear to be a common strategy.

Most participants indicated that issuing a no contact order was a common strategy, but that they required there be evidence for a criminal charge because a no contact order was typically attached to release conditions. Another theme was the use of personal alarm devices, although many participants noted that these were not commonly available or used. In total, half of the participants noted that they would recommend that the victim obtain a Civil Protective Order through the family court system, and some of these participants indicated that they would do this as a measure of protection when they were unable to proceed with the file criminally due to a lack of evidence. It was suggested that this step be taken when children were involved, presumably as children could also be given protected status from the suspect on a Civil Protective Order. Another strategy mentioned by participants was to try to get a peace bond first, as this measure was still under police control, whereas a Civil Protective Order was not. Overall, participants appeared to use a range of responses to help protect the victim's safety. **Further research should explore how these responses are received by victims and the extent to which they are effective at increasing the victim's perceived and actual level of safety.**

## **TECHNOLOGY-FACILITATED STALKING/HARASSMENT**

Many participants spontaneously commented on the suspect's use of technology in harassment files throughout the interview but generally kept their discussions focused on social media, texting, and computers. When asked specifically about the role that technology played in facilitating harassing behaviours, while social media and texting were the dominant answers, some additional comments were made around more advanced uses of technology. One theme concerned the use of technology

to 'track' the victim. For instance, suspects might use the Find My iPhone app to track where the victim was. Use of GPS by the suspect to track the victim was not very commonly reported, but three participants noted that they had either seen this or heard of it happening in harassment files. Two participants noted that spyware was an issue with the suspect placing this type of software on their partner's phone and using it to track the victim's online activities. One comment was made regarding spoofing, where a communication is disguised as being from another source, there was also a concern with hacking the victim's electronics, and there was some concern with the perpetrator sharing intimate photos online. One participant noted that while they had not yet seen this happen, they were anticipating that apps like Snapchat would be an issue for their investigations since the file only lasts several seconds before being deleted. Still, there did not appear to be a particularly wide variety of technology-based forms of stalking/harassing beyond the most common modes of communication in Canadian society.

As with the criminal harassment files, few participants reported having received training regarding the use of technology to facilitate stalking/harassment, although several participants did observe that this would be covered in the Internet Investigations course. However, it is important that this course not teach or focus on software that the police may not have access to. Rather than go for training themselves, participants reported relying on others in the detachment who had been trained on Internet Investigations and on how to extract information from devices, such as laptops and phones. Participants would also rely on these individuals for assistance when needed.

The results of the qualitative interview data suggested that participants were somewhat experienced with investigating harassment-related files. However, the lack of training they received on this type of criminal behaviour appeared to result in some confusion in differentiating the various forms of harassing behaviours. While participants appeared to feel comfortable with supporting intimate partner violence investigations in general, they seemed to desire more training specific to investigating harassment files, including assessing the degree of fear felt by the victim. This training would also be beneficial to frontline officers who were typically responsible for conducting all aspects of the investigations. The results of the interviews also suggested that further research on the different profiles of harassment perpetrators, the effects of different safety strategies, the victim's perception of their role in facilitating the investigation, what victims were doing to feel safe, and the effects of formal warnings on deterring further harassing behaviours would be beneficial. Before discussing the recommendations in detail, a review of the quantitative call for service data is presented.

## Quantitative Analyses of Police Data

As described above in the methodology section of this report, the 'E' Division RCMP provided the research team with three quantitative datasets. The first was an incident dataset with 2,010 intimate partner violence harassment related calls that occurred in RCMP jurisdictions that occurred in 2015. The second dataset was the criminal history (CPIC) data of the accused persons identified in the incident data that included criminal histories prior to and following the 2015 index offence. The criminal history data went back as far as 1967 and to as recently as June 2019. The third dataset was PRIME data concerning police contacts prior to and following the 2015 index



offence. This dataset had several files going back to around the 1980s but, given the RCMP's purging policies, the majority (75 per cent) of the files reviewed were from 2015 onwards, with the most recent PRIME file occurring in mid-April 2022.

## INCIDENT DATA

The incident data consisted of 2,010 criminal harassment (n = 315), harassing communications (n = 234), uttering threats (n = 1,506), or intimidation (n = 6) files occurring in a current or former intimate partner relationship in 2015. These numbers total to more than 2,010 as 51 individuals were associated with more than one offence in their 2015 file. Typically (n = 43, 84.3 per cent), this was a combination of having a criminal harassment and an uttering threats charge in the same file.

The incident dataset contained information on the accusatory role code indicating whether the suspect had been charged, had charges recommended, or was considered a chargeable suspect. Charged meant that an information or summary offence ticket had been laid or issued against the individual, while charges recommended meant a report to Crown Counsel recommending charges had been submitted but that Crown Counsel had either not yet laid the charge or decided not to give charge approval.<sup>4</sup> Suspect chargeable meant that there was sufficient evidence to support a recommended charge but that a decision was not yet made. As an example, a police officer may decide to divert a young offender away from the formal court system or the suspect in the case may have died. Of the 2,010 files, one of these accusatory roles was assigned in over three-quarters (78.6 per cent, n = 1,579) of the files. A small number of these files involved youth (between 1 and 4 for each offence type).

For the remaining 431 files, while there was evidence to support that an offence had occurred (i.e., all these files were 'founded'), there was insufficient evidence to support a charge against a specific person. No demographic information was available for these 431 individuals as they had not been charged and so the research team was unable to identify whether there were any significant differences between the accused and non-accused by sex or age. However, there were some different patterns by the type of intimate partner violence harassment offence. As shown in the Accused column in Table 1, more than four-fifths (86.5 per cent) of the files involving uttering threats resulted in the individual receiving an accusatory role code compared to 70.1% of the criminal harassment files and 39.7% of the harassing communications files. This finding supported the interview trends on the complexity of obtaining sufficient evidence in harassment-focused intimate partner violence investigations and particularly those involving technology-facilitating harassment. The columns of Charged, Recommended Charges, and Chargeable in Table 1 reflected the breakdown of the accused's status. Of those who were considered an 'accused', nearly four-fifths (78.9 per cent) of those with an uttering threats offence were charged compared to two-thirds of those with an intimidation offence. However, as there were only six individuals accused of

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<sup>4</sup> In the current dataset, the authors were unable to differentiate between these two outcomes. A new clearance code was introduced in January 2019 that will indicate whether a recommended charge was awaiting approval or was not approved by Crown Counsel.

intimidation, this data should be interpreted with caution. Just over half (57.9 per cent) of those with a criminal harassment offence charge were subsequently charged with this offence type. Surprisingly, less than one-tenth (8.6 per cent) of those who allegedly committed a harassing communications offence were facing charges. Instead, four-fifths (79.6 per cent) of these suspects were scored as suspect chargeable. It was unexpected that such a high proportion of harassing communications files would be scored as suspect chargeable as this would seem to indicate that there was sufficient evidence to proceed with charges but that a decision was made not to.

**TABLE 1: OFFENCE TYPE AND ROLE CODE OF HARASSMENT-RELATED OFFENCES IN 2015**

Offence Type and Role Code	Accused	Charged	Recommended Charges	Chargeable
Criminal Harassment (n = 315)	70.1%	57.9%	19.4%	22.6%
Harassing Communications (n = 234)	39.7%	8.6%	11.8%	79.6%
Intimidation (n = 6)	100%	66.7%	16.7%	16.7%
Utter Threats (n = 1,506)	86.5%	78.9%	14.3%	6.8%

### ANALYSIS OF THOSE ACCUSED OF HARASSING COMMUNICATIONS

Given the relatively small number of harassing communications files that received an ‘accused’ status, further analyses were conducted to explore the underlying patterns of these 93 files. As a higher proportion of harassing communications files were committed by women, an analysis was run to compare whether the perpetrator’s sex was associated with charge status for the 93 files where an accused status was recorded for harassing communications. When considering whether the accused was ‘charged’, although 100% of those who were charged with harassing communications were male and none of the females were charged, the result of this analysis was not statistically significant,  $\chi^2(2) = 3.6, p > .05$ . Most commonly, female suspects of harassing communications files were recorded as ‘suspect chargeable’ (94.7 per cent) whereas 75.7% of male suspects were considered ‘suspect chargeable’. Conversely, 13.5% of male suspects had a recommended charge compared to only one (5.3 per cent) female suspect. In effect, the patterns suggested that a greater proportion of females were considered chargeable but were not charged, whereas a greater proportion of males were charged. However, as previously noted, these patterns were not significantly significant. As there were only 19 females compared to 74 males, the sample size may have precluded any significant findings to these patterns.

Further analysis was conducted with the 74 files where the suspect was recorded as ‘suspect chargeable’, meaning that they could be criminally charged but the file had been closed some other way. All 74 of the harassing communications files with a suspect chargeable status were scored as ‘closed’ in the CCJS Status. In 17.6% (n = 13) of these files, the complainant had requested no further action. However, most files (82.4 per cent) were closed due to departmental discretion. It is possible that the sex of the suspect played a role in the charge outcomes relating to these files, in that police were less likely to recommend charges when the perpetrator was a female. However, given the small number of female suspects, no further conclusions could be drawn about this pattern. It is also possible that, in these files, the police responded by giving a warning not to further persist with the harassing communications. This may be particularly true if the suspects in

these cases had no prior history of harassing behaviours, which may be truer of the females in the sample compared to males (criminal history will be discussed below in a subsequent section of the report). Alternatively, one reason for the low rate of charges relating to harassing communications may be the other corresponding offences that occurred in the context of harassment related intimate partner violence files. Given this possibility, the next section of results analyses the UCR codes that were assigned to the 2015 index offences.

### UCR ANALYSES OF THE 2015 INDEX OFFENCE

While all the 2015 index offence files analyzed included at least one type of harassment related intimate partner violence code, it is possible that other offences occurred simultaneously. All files were assigned at least one UCR code with as many as four UCR offence code categories that could be recorded in total. While up to four UCR codes could be recorded, the primary UCR offence code would reflect the most serious type of offence that occurred during the incident.<sup>5</sup> Therefore, whereas harassment related UCR codes would be assigned in all of the 2015 index offence files, they may not be the primary UCR code associated with the file as other more serious offences may have also occurred during the incident.

As shown in Table 2, the five<sup>6</sup> most common primary UCR codes assigned to the intimate partner violence files in 2015 were common assault, uttering threats, criminal harassment, harassing communications, and assault with a weapon or causing bodily harm. Consistent with Table 1, a larger proportion of some UCR codes resulted in a non-accused status. In particular, a majority (61.7 per cent) of the 222 files involving harassing communications resulted in there being a lack of evidence to identify the person as the accused. In comparison, less than one-third (30.8 per cent) of the 299 criminal harassment files and less than one-quarter (22.3 per cent) of the 633 uttering threats files had an individual with a non-accused code.

**TABLE 2: TOP 5 PRIMARY UCR CODES ASSOCIATED WITH HARASSMENT RELATED FILES IN 2015**

Primary UCR Code Assigned	Number (n = 2,010)	Accused	Non-Accused
Uttering Threats	633	77.7%	22.3%
Common Assault	536	92.0%	8.0%
Criminal Harassment	299	69.2%	30.8%
Harassing Communications	222	38.3%	61.7%
Assault with a Weapon or Causing Bodily Harm	195	94.4%	5.6%

<sup>5</sup> As the first UCR code reflects the most serious offence that occurred during that incident, it will not necessarily reflect one of the four specific offence codes of interest in the current study. However, to be selected for inclusion in the dataset, a harassment related UCR offence code must have been assigned for one of the four UCR scorings in the incident.

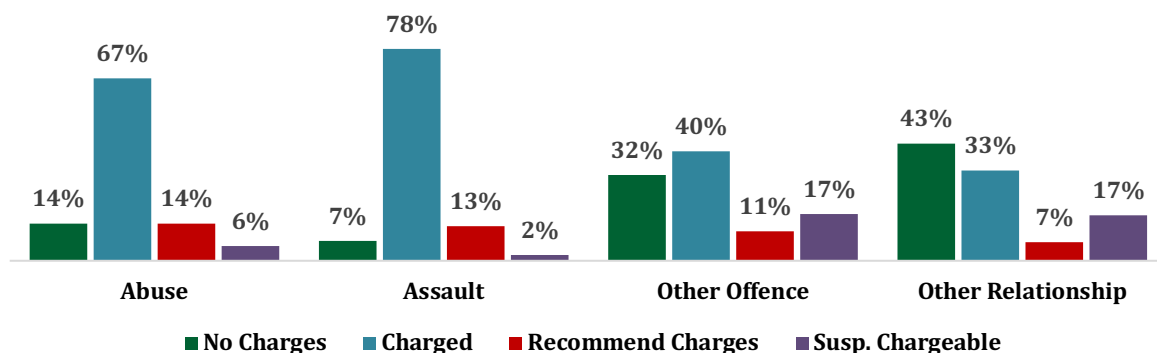
<sup>6</sup> The number of UCR codes assigned after assault with a weapon/causing bodily harm dropped substantially after this with the 6<sup>th</sup> most common UCR code being forcible confinement in 41 files.

There was an average of 2.8 UCR codes assigned per 2015 index offence. Most commonly, four UCR codes were assigned (38.6 per cent), whereas approximately one-fifth of the files respectively had either one (21.9 per cent), three (21.4 per cent), or two (18.1 per cent) UCR codes assigned. However, these UCR codes included non-*Canadian Criminal Code* offences, such as the 7000 series used for Provincial Statutes (e.g., provincial driving infractions) and the 8000 series used by the RCMP as internal codes (e.g., to indicate if a prisoner was held or victim services offered). When eliminating anything beyond a 4999 UCR code, the average number of criminal offences that suspects were associated with during the index offence was 1.83. When considering the primary offence, harassment related files comprised a total of 57.6% of the files (n = 1,157) while another 42% (n = 844) of the files had a primary UCR for a violent offence (e.g., common assault, firearms). Intimidation files were the most likely harassment related UCR category to also have a co-occurring violent offence (66.7 per cent) followed by uttering threats (59.6 per cent). Conversely, only 10.7% of the criminal harassment files and 1.3% of the harassing communications files co-occurred alongside a violent offence. The overall pattern was statistically significant,  $\chi^2 (3) = 431.25, p < .001$ . It is possible that the co-occurrence of the violent UCR offence alongside the harassment related offence code was a driving factor behind the likelihood of a charge being laid. Consistent with the academic literature, when a violent offence was one of the four UCR codes assigned, the suspect was statistically significantly more likely to be charged (78.9 per cent) than when there was no violent offence UCR code scored in the index offence (37.5 per cent),  $\chi^2 (3) = 436.61, p < .001$ .

### OTHER INDEX OFFENCE CHARACTERISTICS

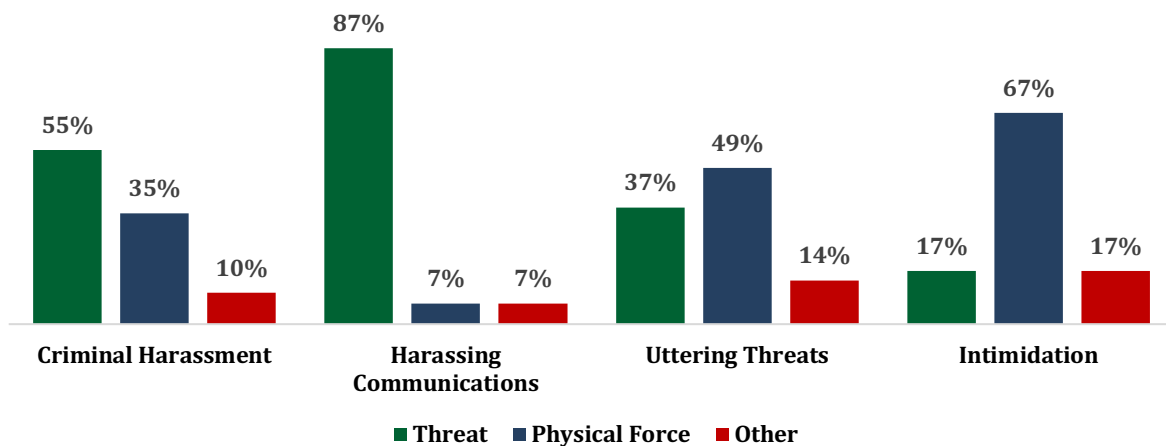
There was a statistically significant relationship between the charge status and the nature of the family violence,  $\chi^2 (9) = 395.68$ . Family violence was categorized as spousal/partner abuse (3.6 per cent), spousal/partner assault (42.3 per cent), spousal/partner other offence (46.9 per cent), and other relationship (7.2 per cent). As shown in Figure 1, the largest proportion of charges occurred in the files involving a spousal/partner assault followed by the spousal/partner abuse. In contrast, a higher proportion of no charges and suspect chargeable were found for the other offence and other relationship types.

FIGURE 1: CHARGE STATUS BY TYPE OF FAMILY VIOLENCE FILE



Weapons were present in nearly three-quarters (76.6 per cent) of the files; however, 'weapon' did not typically specifically mean an actual physical weapon. When a weapon was present (n = 1,539 files), the most serious weapon was most commonly categorized as 'physical force' (48.4 per cent) followed by a threat (37.9 per cent). Only 1.4% of files involved a firearm, 2.1% involved a blunt object, and 6.2% involved a sharp object. When comparing the type of 'weapon' used by the main offence types of interest, threats were very common in the harassing communications files followed by the criminal harassment files (see Figure 2). Ironically, threats were less common in the uttering threats files than was the use of physical force. Physical force was also prevalent in the six intimidation files.

**FIGURE 2: THREATS AND PHYSICAL FORCE BY OFFENCE TYPE**



### SAMPLE REDUCTION

As one of the primary interests in this study was to examine the patterns of recidivism among individuals involved in perpetrating harassment related files, the 431 individuals for whom there was not enough evidence to lead to an accusatory role code were dropped from the subsequent analyses. In addition, as only six files involved scoring for intimidation, these files were also dropped from the dataset as there were too few to draw any reliable conclusions from. While the previous analyses identified that intimidation files were often associated with violence, none of the six files had a criminal harassment or harassing communications UCR attached to them, so these files were also eliminated from the dataset. Finally, there were 69 suspects who had more than one harassment related intimate partner violence file in 2015. For these 69 cases, the first offence was considered the index offence and the remaining 2015 harassment related offences were coded as recidivism data and removed from the subsequent analysis of incident data. All subsequent analyses were conducted with the remaining 1,498 files. These files primarily consisted of uttering threats (n = 1,213; 81 per cent) files and the remaining files were composed of criminal harassment (n = 201; 13 per cent), and harassing communications (n = 84; 6 per cent).

### *Suspect Demographics*

Consistent with prior research on intimate partner violence on files coming to the attention of the police, 91% (n = 1,356) of the files involved a male suspect. Men were the perpetrators in 91% of criminal harassment files, 91% of uttering threats files, and 77% of harassing communications files in this sample. When examining the patterns of these three offences within male and female perpetrators, while the most common type of intimate partner violence harassment file for both male (82 per cent) and female perpetrators (74 per cent) was uttering threats, and an equal proportion of males (14 per cent) and females (13 per cent) were accused of criminal harassment, a statistically significantly higher proportion of females (13.4 per cent) than males (5 per cent) were accused of engaging in harassing communications,  $\chi^2 (2) = 17.9, p < .001$ . The average age of the accused was 38 years old (SD = 11.5) with a range of 13 years old to 84 years old. Of note, less than 1% of the sample was a young offender at the time of the event (n = 10, 0.7 per cent). There was not a statistically significant difference between the average age of males (38 years old) and females (37.5 years old),  $t (1,496) = 0.744, p > .05$ , nor was there a statistically significant difference in the average age of those accused of criminal harassment (38 years old), harassing communications (39 years old), or uttering threats (38 years old),  $F (2, 1497) = 0.69, p > .05$ .

### *Incident Characteristics*

Harassment related intimate partner violence files were recorded in 97 different jurisdictions policed by the BC-RCMP in 2015. A minority (42 per cent) of all files occurred in the more populated Lower Mainland District, while approximately one-fifth occurred in each of the Southeast (22 per cent), Island (21 per cent), and North (15 per cent) Districts. There was not a statistically significant association between the type of intimate partner violence harassment occurrence and the policing district,  $\chi^2 (6) = 6.61, p > .05$ . Between 87% and 93% of the accused were male in each of the four policing districts. A statistically significantly higher proportion of accused in the North (13 per cent) and Island (11 per cent) Districts were females compared to what was found for the Lower Mainland District (7 per cent),  $\chi^2 (3) = 8.77, p < .05$ . There was no significant difference in age by District,  $F_{Levenes} (3, 1498) = 2.45, p > .05$ . There was also an equal distribution of occurrences by month of the year with approximately 8% of the calls occurring each month. The lowest proportion of occurrences was in December (7 per cent) and the highest in May, July, and October (9 per cent).

CCJS status codes refer to letter codes assigned to a file to indicate its status for the Canadian Centre for Justice Statistics. This can include codes for cleared by charge (C), cleared by departmental discretion (O), and accused already in jail (N) among others. In the current data, six CCJS status categories were used for the 1,498 files, but three (previously founded not charged, accused already in jail, and charges declined by Crown) were only used in one occurrence. Given this, these three categories were removed from the analysis. By far, the most common CCJS status was charged (87 per cent) with another 10% of the files being cleared by departmental discretion. Charges not being pursued occurred in a further 3% of cases due to the complainant requesting that no further action be taken.



The CCJS status appeared to be associated with several other factors. First, there was a statistically significant association between the CCJS status and the nature of the index offence,  $\chi^2 (4) = 441.5$ ,  $p < .001$  (see Table 3). Whereas 94% of uttering threats and 77% of criminal harassment occurrences were cleared by charge, only 17% of harassing communications occurrences were cleared this way. Conversely, 68% of the harassing communications occurrences were cleared by departmental discretion compared to 20% of criminal harassment occurrences and only 5% of uttering threats. Interestingly, 16% of the harassing communications occurrences had no further action due to the complainant requesting it. This scoring was only used in 3% of the criminal harassment occurrences and 2% of the uttering threats occurrences. The results of the qualitative interviews suggested that one explanation for the high rate of clearance by departmental discretion rather than by charge may be the complexity of writing warrants and production orders to support the collection of evidence from the victim and perpetrator’s telecommunications devices. It is possible that the officers in these files felt that the incident was not serious enough to support a more complex and time-intensive investigation and that an informal warning to the perpetrator about their behaviour might be sufficient to deter future repeat occurrences, thus negating the need to engage in the more complex investigative steps. **However, further research needs to be conducted with frontline general duty members regarding their investigative steps in harassing communications files to determine whether this explanation is supported.**

TABLE 3: CCJS STATUS AGAINST HARASSMENT RELATED INDEX OFFENCE

Clearance Status	Criminal Harassment	Harassing Communications	Uttering Threats
Charged	77.4%	16.9%	93.7%
No further action requested	2.5%	15.7%	1.8%
Departmental Discretion	20.1%	67.5%	4.5%

Second, there was a statistically significant association when comparing CCJS status and the policing district,  $\chi^2 (6) = 38$ ,  $p < .001$ . While there was not much variation by way of clearing by charge, a higher proportion of occurrences were cleared by department discretion in the Southeast (15 per cent) and Island (12 per cent) districts than in the North (5 per cent) and Lower Mainland (8 per cent). In addition, 7% of the occurrences in the North were essentially ‘stayed’ by the complainant compared to 4% on the Island and only 1% in the Lower Mainland and Southeast (see Table 4).

TABLE 4: CCJS STATUS AGAINST POLICING DISTRICT

Clearance Status	Lower Mainland	Island	Southeast	North
Charged	90.3%	83.9%	84.2%	88.1%
No further action requested	1.4%	3.9%	1.2%	6.6%
Departmental Discretion	8.3%	12.3%	14.6%	5.3%

Third, there was also a statistically significant pattern by sex,  $\chi^2 (2) = 23.8$ ,  $p < .001$ . Three-quarters (75 per cent) of female accused were cleared by charge compared to 89% of males. Conversely,

nearly one-fifth (19 per cent) of the files involving a female accused were cleared by departmental discretion compared to just under one-tenth (9 per cent) of files involving a male accused. A higher proportion of files with female accused also resulted in no further action due to the complainant's request (6 per cent) compared to files with a male accused (2 per cent).

Overall, the 2015 incident data suggested that, relative to uttering threats, criminal harassment and harassing communications intimate partner violence files were comparatively uncommon. There appeared to be challenges with moving the harassing communications files forward to charge approval. Whether this was due to perpetrator characteristics (i.e., a higher than expected proportion of female perpetrators who may have a criminal history), the complexity of these particular investigations, or the somewhat recent nature of this criminal offence relative to the others, harassing communications files were particularly unlikely to result in a suspect being charged for the offence. This suggests that **further training may be needed to ensure that frontline general duty members are comfortable with, and have the necessary skillsets and resources to fully investigate and conclude these types of files.** As noted in the review of the academic literature, very little research has examined the criminal history of intimate partner violence harassment perpetrators. The current study used two approaches to explore criminal history trends along with recidivism patterns for this sample of intimate partner violence harassment perpetrators.

### **CRIMINAL PROFILES OF THE ACCUSED – CPIC DATA**

The first set of criminal history data used a narrow definition of 'criminal history' by examining only those files where recommended charges had been approved by Crown Counsel and there was some type of court-related outcome, such as a stay of proceedings or a finding of guilt along with a disposition. This criminal history data will be referred to as charge data. The CPIC data provides a narrower history than data sourced from PRIME, as it does not include files where the individuals were only associated as a suspect, where charges were not approved, or where the file was cleared in some other way. However, from another point of view, this data may be seen as a more accurate reflection of the criminal history patterns of harassment offenders, given that these were files where there was sufficient evidence to lead at least to charges being approved by Crown Counsel and a court outcome, such as a finding of guilt. Another benefit of using the CPIC data is that these files are not purged unless the individual successfully applies for a pardon.

The CPIC data provided the researchers with the court-related criminal history of the intimate partner violence harassers. The CPIC data included files where charges had been approved and either stayed or disposed of in court both prior to the 2015 index offence, as well as following this, up to June of 2019. One caveat to note is that there can be a delay in conviction data being uploaded to CPIC. Given this, as the dataset was provided to the research team in late 2019, the 2019 year will somewhat underestimate the number of approved charges with a court outcome. For example, only 40 of the CPIC dates occurred in 2019, whereas there were 235 files in 2018 and 446 in 2017.

Prior to analyzing the CPIC data, the sample was further reduced. The intimate partner violence perpetrators whose 2015 index offence was an Utter Threats file were dropped from the analysis to allow for a more focused explanation of the intimate partner violence harassment perpetrators.

This was done because harassment trends were the key area of interest under study for this component of the research. The CPIC analysis was, therefore, conducted with the 285 individuals with an accusatory role code whose index offence in 2015 was for criminal harassment (n = 201; 70.5 per cent) or harassing communications (n = 84; 29.5 per cent).

### *CPIC-based Criminal History Data*

Prior to the 2015 index offence, slightly more than half (n = 149; 52.3 per cent) of the intimate partner violence harassment perpetrators already had a prior criminal charge. However, only 10.7% (n = 16) of the intimate partner violence harassment perpetrators with a criminal history had a prior charge for either criminal harassment or harassing communications. There was a statistically significant relationship when considering the sex of the intimate partner violence perpetrator and whether they had a prior criminal charge. Male perpetrators were statistically significantly more likely (55.6 per cent) than female perpetrators (29.7 per cent) to have a prior criminal charge ( $\chi^2(1) = 8.67, p = .003$ ). There was also a difference when considering the index offence. Those with a criminal harassment index offence in 2015 were statistically significantly more likely to have a previous criminal charge (59.2 per cent) than those with a harassing communications index offence (35.7 per cent) ( $\chi^2(1) = 13.1, p < .001$ ). However, the age of the intimate partner violence harasser was unrelated to whether they had a prior criminal history ( $t = -.180, p > .05$ , equal variances not assumed).

On average, charge histories went back 15.7 years (5,732 days) from the index offence in 2015. This ranged from 82 days to 48 years. There was no difference in the average length of a charge history in days when comparing those who committed a criminal harassment offence in 2015 (average record length = 5,569 days) to those who committed a harassing communications offence in 2015 (average record length = 6,380 days) ( $t = -1.046, p > .05$ ). On average, intimate partner violence harassers had 13.7 prior charges, ranging from one prior charge to 100 prior charges. This data was heavily skewed by 10 individuals with 44 or more prior charges. The grouped data is provided in Table 5. Given that the number of previous criminal charges was not normally distributed, a Mann-Whitney U test was used to compare the number of previous criminal charges between criminal harassment versus harassing communications perpetrators. The result was not statistically different ( $U = 2,060, p > .05$ ). In other words, whereas those with a criminal harassment file in 2015 were more likely than those with a harassing communications file in 2015 to have a history of prior charges, within those who did, they did not differ statistically significantly from each other in terms of the length of their criminal history prior to the 2015 offence, or regarding the number of prior criminal contacts with the police.

**TABLE 5: NUMBER OF CRIMINAL CHARGES PRIOR TO 2015 INDEX OFFENCE AMONG IPV-HARASSERS (N = 149)**

1	14.8%
2 - 9	40.2%
10 - 19	20.2%
20 - 29	11.4%
30 - 39	5.3%
40 - 49	4.7%
50 or more	3.4%

Many of the intimate partner violence harassers with a criminal history had a varied involvement in criminal activity. As demonstrated in Table 6, intimate partner violence harassers had, on average, nearly 3.5 prior theft or fraud related offences, as well as failure to appear or comply offences. Of concern, they also had an average of just over two prior charges for assault. As noted earlier, of the 149 intimate partner violence harassers with a criminal history, only 10.7% ( $n = 16$ ) had a prior charge for criminal harassment or harassing communications. Of note, all 16 were males. A slightly higher percentage of those with a harassing communications index offence in 2015 had a prior criminal charge relating to harassment (16.7 per cent) than those with a criminal harassment index offence in 2015 (9.2 per cent); however, this difference was not statistically significant (Fisher's exact test  $p > .05$ ). Those with a prior harassment charge were slightly younger ( $X = 35.7$  years) than those without a prior harassment charge ( $X = 39.0$  years); however, this difference was marginally non-significant ( $t(29.12) = 2.03, p = .051$ ).

**TABLE 6: PAST CRIMINAL CHARGES AMONG IPV HARASSERS**

Type of Past Charge	Average # (SD)
Theft, Forgery, Fraud, Mischief, PSP	3.43 (6.54)
Failure to Appear or Comply	3.29 (5.28)
Assaults	2.15 (2.60)
Motor Vehicle	0.99 (1.9)
Break and Enter	0.77 (2.65)
Threats	0.75 (1.3)
Other	0.58 (1.2)
Drugs	0.48 (1.08)
Weapons	0.36 (1.08)
Interference with a Police Officer	0.30 (.72)
Robbery	0.17 (.63)
Breach of Probation / Recognizance	0.16 (.56)
Criminal Harassment	0.13 (.41)
Sexual Assault	.09 (.41)
Harassing Communications	.02 (.14)
Murder, Manslaughter, Attempted	0 (0)
Intimidation	0 (0)

## CPIC-BASED CRIMINAL RECIDIVISM DATA

The recidivism data analyzed in this section was provided via CPIC records, which provided data on any subsequent new offences where the perpetrator had at least one charge approved, and a court-related outcome attached to that charge. One important limitation to note is that the date associated with the charge reflected the date of a court disposition (e.g., a sentence, a stay of proceedings, etc.) rather than the offence date. A related limitation is that, whereas the perpetrator may have had multiple offence dates relating to separate offences, if the charges were dealt with simultaneously, this would result in a single date being recorded. For these reasons, time until recidivism could not be calculated using the CPIC data. In addition, subsequent police contacts that did not result in charge approval were not reflected in the data (e.g., files that were cleared by departmental discretion). Therefore, another limitation to the recidivism results is that they will minimize the amount of recidivism. However, another section of the report will analyze additional criminal recidivism trends using contacts with police as reflected in the PRIME-BC dataset.

With these caveats in mind, the recidivism data was analyzed to determine the proportion of perpetrators who had at least one subsequent charge approval following the 2015 index offence to June 2019. Again, this analysis focused specifically on the recidivism trends among those charged with criminal harassment or harassing communications in 2015 (n = 285), excluding those whose index offence was for threats or intimidation.

Of the 285 intimate partner violence harassers, nearly half (46.7 per cent) committed at least one new offence resulting in an approved criminal charge. Unlike with the criminal history data, a much larger proportion (50.4 per cent, n = 67) had a new charge related to either criminal harassment or harassing communications. As demonstrated in Table 7, males were statistically significantly more likely than females to have a subsequent criminal charge following their 2015 index offence. There was also a statistically significant difference depending on whether the index offence was for criminal harassment or harassing communications. More specifically, those with a criminal harassment file in 2015 were significantly more likely than those with a harassing communications file in 2015 to have a subsequent criminal charge. Finally, there was also a statistically significant difference concerning the age of the offender, where those with a subsequent new charge were significantly younger ( $X = 36.75$  years old) compared to those who did not have a subsequent new charge ( $X = 40$  years old).

**TABLE 7: RECIDIVISM PATTERNS OF IPV HARASSERS USING CPIC CHARGE DATA**

	% (n)	Avg (SD)
<b>Sex*</b>		
Male	49.2% (122)	
Female	29.7% (11)	
<b>Index Offence***</b>		
Criminal Harassment	56.2% (113)	
Harassing Communications	23.8% (20)	
<b>Age*</b>		36.75 (10.66)
* $p < .05$ ** $p < .01$ *** $p < .001$		

Intimate partner violence harassers had an average of one subsequent criminal charge following their index offence. As shown in Table 8, this ranged from no new charges to nine new charges. As this data was not normally distributed, non-parametric Mann-Whitney U tests were used to compare whether there were differences in the number of subsequent criminal charges based on sex and on the index offence. Both were statistically significant. Male intimate partner violence harassers accumulated significantly more subsequent charges than did female intimate partner violence harassers ( $U = 3618, p = .023$ ). Moreover, criminal harassers accumulated significantly more subsequent charges than did those with a harassing communications file in 2015 ( $U = 5601, p < .001$ ).

**TABLE 8: NUMBER OF SUBSEQUENT CHARGES IN CPIC POST INDEX OFFENCE FOR IPV HARASSERS**

	n	%
0	152	53.3%
1	65	22.8%
2	34	11.9%
3	14	4.9%
4	5	1.8%
5	11	3.9%
6	1	0.4%
7	1	0.4%
8	1	0.4%
9	1	0.4%

When considering all 285 intimate partner violence harassers, one-quarter (23.5 per cent,  $n = 67$ ) received a new harassment related charge following their index offence. When only considering the 133 individuals who recidivated, this meant that nearly half the sample (46.7 per cent,  $n = 67$ ) of the intimate partner violence harassers who went on to accumulate a subsequent police charge either committed a subsequent criminal harassment or a harassing communications offence (see Table 9). When examining these 67 cases in greater depth, most (88.1 per cent) only had one subsequent charge for either harassing communications or criminal harassment. For 80.6% of this group, the harassment offence was their first new charge post index-offence. The remaining individuals were charged with either failure to comply (6 per cent), a violent offence (6.0 per cent), a property-related offence (4.5 per cent), utter threats (1.5 per cent), or a driving offence (1.5 per cent). While the time until subsequent charge does not accurately reflect the time until the offence was actually committed, on average, the new harassment charge was laid within less than one year of the index offence ( $X = 291.78$  days), with nearly half (44.8 per cent) being laid within six months of the index offence (see Table 9).



**TABLE 9: DAYS UNTIL NEXT HARASSMENT CHARGE (N = 67)**

	n	% Total	% Harassment Recidivists
Within first week	1	1.5	1.5%
Within first month	5	7.5	9.0%
Within first six months	24	35.8	44.8%
Within first year	16	23.9	68.7%
Over one year	21	31.3	100.00%

Data was available on the dispositions given to these charges. It is important to note that criminal harassment/harassing communications were often not the sole criminal charge that the intimate partner violence harasser was facing at each point of recidivism. Often the harassment related charges appeared alongside other charges, including assault, assault with a weapon, or threats, for example. Therefore, while the disposition outcomes provided below are those attached to the harassment charges, the individuals may have experienced a different outcome for simultaneous non-harassment charges. As an example, while the criminal harassment charge might be stayed, during the same disposition date, the offender might receive 18 months of probation for an assault. With this in mind, as shown in Table 10, in terms of file outcomes, over half (54.7 per cent) of the approved harassment charges after the index offence resulted in a stay of proceedings. Considering that 100% of these perpetrators had a documented history of harassment based on their 2015 index offence, it was concerning to see that one half of the files concluded with a stay of proceedings. The next most common disposition was probation (40.6 per cent), with an average sentence of 18 months and a range of 12 months to 24 months. Nearly one-in-five files had a discretionary or mandatory weapons prohibition attached to their disposition. A slightly smaller percentage received a peace bond. Just over one-in-ten received either a conditional discharge or suspended sentence. In total, 14% of offenders received time in custody, with an average sentence length of 63 days with a range of one to 150 days. The least likely disposition was a conditional sentence, as this type of disposition was only found in 6% of files with a sentence range of 30 days to 90 days ( $X = 60$  days).

**TABLE 10: DISPOSITIONS GIVEN FOR FIRST HARASSMENT RECIDIVISM CHARGE (N = 64)**

	%	Average Length
Stay of Proceedings	54.7%	-
Probation	40.6%	18 months
Peace Bond	15.6%	-
Conditional Sentence	6.3%	60 days
Weapon Prohibition	18.8%	-
Conditional Discharge or Suspended Sentence	12.5%	-
Jail	14.1%	63.1 days

## HARASSMENT GROUP ANALYSIS – CPIC TRENDS

Subgroups of intimate partner violence harassers were created based on offending patterns using the CPIC data. The first group was labelled the “one-and-done” group (see Table 11). Members of this group only committed the index harassment offence and did not have a documented criminal history or criminal recidivism for any other type of offending behaviour. The other most common group were labelled the “generalists”. This group comprised offenders who had only the one harassment offence as the index offence, but had been charged with other acts of either past or future criminal behaviour. Another one-fifth of the sample was composed of the “repeaters”, which were individuals who had committed at least two harassment-related offences. This included the index offence and either one other criminal harassment or harassing communications offences prior to or following the index offence. Finally, a small group of 16 individuals composed the “serials” group. This was comprised of offenders who had committed at least three or more harassment related offences over the course of their criminal career.

**TABLE 11: HARASSER GROUPS BASED ON CPIC DATA (N = 285)**

	n	%
<b>One-and-Done (Harassment Charge is Only Charge)</b>	<b>103</b>	<b>36.1%</b>
<b>Generalists (Criminal Record and/or Recidivism but Only One Harassment Charge)</b>	<b>107</b>	<b>37.5%</b>
<b>Repeaters - Two Harassment Charges</b>	<b>59</b>	<b>20.7%</b>
<b>Serials - Three or More Harassment Charges</b>	<b>16</b>	<b>5.6%</b>

There was a statistically significant relationship between harasser group and sex of the intimate partner violence harasser (see Table 12). Female intimate partner violence harassers were statistically significantly more likely than male intimate partner violence harassers to belong to the “one-and-done” group, whereas male intimate partner violence harassers were statistically significantly more likely than female intimate partner violence harassers to belong to the “repeaters” group. While there were no female serial harassers, the comparison between men and women here was not statistically significant, likely due to the small sample size of female intimate partner violence harassers. Overall, there was also a statistically significant relationship when comparing the total number of harassment offences accumulated over the criminal career, with males accumulating statistically significantly more harassment charges than females ( $t(125.73) = 4.76, p < .001$ , equal variances not assumed).

**TABLE 12: HARASSER GROUPS BASED ON CPIC DATA BY SEX OF HARASSER**

	Female		Male	
	n = 37	%	n = 248	%
One-and-Done (Harassment Charge is Only Charge)*	20	54.1%	83	33.5%
Generalists (Criminal Record OR Recidivism but Only One Harassment Charge)	14	37.8%	93	37.5%
Repeaters - Two Harassment Charges*	3	8.1%	56	22.6%
Serials - Three or More Harassment Charges	0	0%	16	6.5%
Average Number of Harassment Charges***	1.08		1.39	
* $p < .05$ ** $p < .01$ *** $p < .001$				

There was also a statistically significant relationship when comparing the harasser groups based on the nature of the index offence (see Table 13). Intimate partner violence harassers with a harassing communications index offence in 2015 were significantly more likely to belong to the “one-and-done” group than were those with a criminal harassment index offence in 2015. Conversely, those with a criminal harassment index offence in 2015 were significantly more likely to belong to the “repeaters” group than those with a harassing communications offence in 2015. Those with a criminal harassment index offence in 2015 had accumulated significantly more harassment related charges over their criminal career than those with a harassing communications index offence in 2015.

**TABLE 13: HARASSER GROUPS BASED ON CPIC DATA BY INDEX OFFENCE OF HARASSER**

	Criminal Harassment		Harassing Communications	
	n = 201	%	n = 84	%
One-and-Done (Harassment Charge is Only Charge)*	53	26.4%	50	59.5%
Generalists (Criminal Record OR Recidivism but Only One Harassment Charge)	82	40.8%	25	29.8%
Repeaters - Two Harassment Charges*	52	25.9%	7	8.3%
Serials - Three or More Harassment Charges	14	7.0%	2	2.4%
Average Number of Harassment Charges***	1.44		1.13	
* $p < .05$ ** $p < .01$ *** $p < .001$				

In contrast, as shown in Table 14, there was not a statistically significant relationship based on the average age of the offender and the harasser group ( $F_{Welch}(3, 68.27) = .890, p > .05$ ).

**TABLE 14: HARASSER GROUPS BASED ON CPIC DATA BY AGE OF HARASSER (N = 285)**

	Average Age	
	n	Age in Years
One-and-Done (Harassment Charge is Only Charge)*	103	40.0
Generalists (Criminal Record OR Recidivism but Only One Harassment Charge)	107	38.0
Repeaters - Two Harassment Charges*	59	36.9
Serials - Three or More Harassment Charges	16	37.4
* $p < .05$ ** $p < .01$ *** $p < .001$		

In sum, the CPIC data trends indicated that perpetrators of criminal harassment were more likely to be male, and more likely to have a criminal history or to recidivate compared to perpetrators of harassing communications. Most commonly, those who committed a subsequent offence did so by further harassing behaviours, generally within six months of the index offence. As suggested in the interviews and literature review, this implies that there was a subgroup of persistent harassers, typically those with a prior criminal history who are not deterred by police warnings about their behaviours. This group comprised around one-quarter of the sample under study. However, this analysis was only conducted on files resulting in an approved criminal charge and court-related outcome. The next set of analyses broadened the scope of recidivism to consider all forms of police contact as recidivism using PRIME-BC data.

### CRIMINAL PROFILES OF THE ACCUSED – PRIME DATA

The final set of analyses involved criminal history data held in the RCMP’s Police Records Information Management Environment (PRIME-BC) database. PRIME holds occurrence data records and can be used to study contacts between individuals of interest and the police in all jurisdictions across the province. It provides a broader array of information than CPIC because it includes files where the individual was a person of interest but not necessarily charged with a criminal offence. In this respect, it should also be used with caution as it includes records where there may not have been sufficient evidence to positively associate individuals with the criminal activity they were suspected of committing. As noted above, another limitation of PRIME when it comes to research is the retention period. Less serious crimes, including threats and harassing communications, have a five-year retention period, the timeline for which begins once the file has closed. What this means for this study is that if an individual was a suspect in an Utter Threats or Harassing Communications file that was concluded more than five years prior to when the database was compiled (e.g., earlier than 2017), those files would have been purged from PRIME and would not be included in the dataset analyzed for this report. If the file remained open, for example, if the individual was associated to the file as a suspect but had not yet been charged for the offence, then the file would not be purged. Likewise, while it has a longer retention period due to the more ‘severe’ nature of the offence, criminal harassment files are also purged from PRIME after an eight-year retention period. In addition, under certain circumstances, some PRIME files may be flagged as invisible (e.g., murder-related files) and would not appear in PRIME at the time the data extract occurred, though if charges were approved, they would subsequently be visible on the CPIC system.

These are important caveats to consider, as it means that while the criminal history profile based on PRIME police contacts may provide a fuller understanding of the nature of intimate partner violence harassers interactions with the police, their criminal history may be incomplete.

As above, the authors elected to focus the PRIME analysis specifically on the harassing communications and criminal harassment files as these were most closely related to the concept under study (intimate partner violence related harassment) and to eliminate the intimidation and uttering threats files. This section of the analysis, therefore, focused on 285 individuals with either a criminal harassment or harassing communications related index offence in 2015. As shown in Table 15, this sample of harassment perpetrators was predominately male (87.0 per cent). At the time of their index harassment offence in 2015, the average age of these harassment perpetrators was 38 years old. A large majority of the harassment offences were criminal harassment (70.5 per cent) compared to harassing communications. Notably, of key interest to this section of the report, only a small proportion of these harassment perpetrators had a criminal history prior to the index harassment offence (12.6 per cent) while relatively few (14.7 per cent) had a subsequent negative police contact following the 2015 index offence. According to PRIME, intimate partner violence harassers were unlikely to have had much prior or subsequent contact with the criminal justice system, which was not consistent with the findings using CPIC charge data. It is important again to note that the pre-index criminal history data and up to two years of the post-index offence data was affected by the purging of files not resulting in approved charges. Within this limited scope, it appeared as though intimate partner violence harassers overall did not have extensive contact with the police. In fact, as demonstrated in the subsequent section, their 2015 intimate partner violence harassment charge was their only recorded interaction with the police during the study period.

**TABLE 15: CRIMINAL HISTORY AND RECIDIVISM PATTERNS OF IPV HARASSERS USING PRIME-BC DATA**

Demographic	n = 285	%		n = 285	%
<b>Sex</b>			<b>Current Offence</b>		
Female	37	13.0%	Harassing Communications	84	29.5%
Male	248	87.0%	Criminal Harassment	201	70.5%
<b>Age (Average)</b>	<b>(38.5 years)</b>		<b>Criminal History</b>		
Under 20 Years Old	12	4.2%	No	249	87.4%
20 – 29 Years Old	58	20.4%	Yes	36	12.6%
30 – 39 Years Old	82	28.8%	<b>Recidivism</b>		
40 – 49 Years Old	75	26.3%	No	243	85.3%
50+ Years Old	58	20.4%	Yes	42	14.7%

#### *PRIME-based Criminal History Data*

The analyses presented in Table 16 sought to determine if the index offence type, sex, or age of the individual were related to whether the intimate partner violence harassment perpetrator had a prior police file leading up to the 2015 index offence. The results showed mixed results. For offence type, there was a relationship. Approximately one-in-five intimate partner violence harassers (20.2

per cent) who had committed a harassing communications index offence had at least one prior police file documented in PRIME, whereas only 9.5% of those who had committed a criminal harassment index offence had a prior police file documented in PRIME. This difference was statistically significant. Of note, this pattern was the reverse of the CPIC trends. In contrast, neither sex nor age of the intimate partner violence harassment perpetrator was associated with a prior police file as documented in PRIME. While a slightly larger percentage of female intimate partner violence harassment perpetrators had prior police files documented in PRIME compared to male intimate partner violence harassment perpetrators (16.2 per cent vs. 12.1 per cent), this difference was not statistically significant. However, given the small sample size of female intimate partner violence harassment perpetrators in this analysis (n = 37), it is recommended that **future research continue to explore whether females who are involved in intimate partner violence related harassment are more likely than males involved in intimate partner violence harassment to have a criminal history**, particularly as the CPIC data analyses showed the opposing trends.

TABLE 16: INDEX OFFENCE, SEX, AND AGE AGAINST PRIME-BASED CRIMINAL HISTORY

	%	$\chi^2$	$\beta$
<b>Current Offence</b>		<b>5.31*</b>	
Harassing Communications	20.2%		
Criminal Harassment	9.5%		
<b>Sex</b>		<b>0.19</b>	
Female	16.2%		
Male	12.1%		
<b>Age</b>			<b>0.005</b>

\*  $p < 0.05$

#### *PRIME-based Criminal Recidivism Data*

Unlike the results for prior police contacts, the findings for the PRIME-based recidivism analyses presented in Table 17 did not indicate any significant associations. There was a sizeable difference between offence types, where intimate partner violence harassment perpetrators who had committed a harassing communications offence were much more likely to have committed a subsequent offence (20.2 per cent) than were the intimate partner violence harassment perpetrators who had committed a criminal harassment offence (12.4 per cent). However, in this instance, the difference fell short of statistical significance. Of note, this result conflicts with what was observed in the CPIC charge data. Similarly, in comparison with the PRIME-based criminal history data, a greater proportion of female offenders committed a subsequent offence (21.6 per cent) compared to male offenders (13.7 per cent); however, this difference was not statistically significant. Again, it is very likely that this finding reflected the small number of females included in the sample. **Further study of the potential relationship between female-perpetration of intimate partner violence harassment and criminal offence patterns is recommended.** Finally, consistent with the previous results, age was unrelated to the likelihood of recidivism.



**TABLE 17: INDEX OFFENCE, SEX, AND AGE AGAINST PRIME-BASED CRIMINAL RECIDIVISM**

	%	$\chi^2$	$\beta$
<b>Current Offence</b>		<b>2.28</b>	
Harassing Communications	20.2%		
Criminal Harassment	12.4%		
<b>Sex</b>		<b>1.04</b>	
Female	21.6%		
Male	13.7%		
<b>Age</b>			<b>0.005</b>

\*  $p < 0.05$

In addition to treating recidivism as a binary phenomenon (i.e., either yes or no), survival analyses were conducted to examine potential differences in “length of time to recidivism” among the 42 intimate partner violence harassment perpetrators with at least one subsequent police contact documented in PRIME. As this analysis is based on PRIME data, recidivism in this case refers to being associated as a suspect to a new police file. It arguably provides a more accurate reflection of ‘time to recidivism’ than CPIC data, the latter of which would instead analyze time until a new charge was approved, which would be affected by investigational challenges and delays in Crown Counsel approval (see Cohen et al., 2021 for a more in-depth discussion of police investigation challenges and delays). Still, as noted above, the patterns will be affected by PRIME purging policies.

Overall, the median survival time or time to recidivism was 210 days. To better contextualize the results, Table 18 demonstrates the breakdown of survival times across various time periods. Because of the small number of recidivists, it may be more useful to focus on the final column of Table 18. Specifically, of those individuals who did recidivate by being associated as a suspect in a new criminal file, fewer than 10% did so within the first week following their index offence. At the one-month mark, the rate of recidivism, according to the data available in PRIME, was 21.4%. Put another way, there was no evidence according to the data available in PRIME that those committing an intimate partner violence harassment related offence in 2015 immediately re-offended. Most did not appear to commit any subsequent offence, and, of those that did, it was not until six months had passed since their index offence that half of those who committed a new offence did so. In the six months following this, only an additional 10% of intimate partner violence harassment perpetrators who committed a subsequent offence had done so. These numbers suggest that intimate partner violence harassment charges tended not to be followed by further criminal behaviour, at least that was reported to the police, in the short-term. As will be discussed further in the discussion and recommendations, these findings are particularly interesting as they suggest that ‘warning’ intimate partner violence harassers that their behaviour is criminal may be having a desired effect of deterring future similar criminal conduct. Still, as one-fifth of those committing a new offence had done so within four weeks, while half had done so within six months, these findings may have some important implications for how police officers investigating intimate partner violence harassment files should follow up with the victim to ensure further harassing behaviour is detected and reported to the police.

**TABLE 18: NUMBER OF DAYS UNTIL PRIME-BASED RECIDIVISM (N = 42)**

	n <sup>7</sup>	% Total	% Recidivists
Within first week	3	1.1	7.1%
Within first month	9	3.2	21.4%
Within first six months	21	7.4	50.0%
Within first year	25	8.8	59.5%

Consistent with the analyses presented earlier in Table 17, as demonstrated in Table 19, the nature of the index offence, the intimate partner violence harassment perpetrator’s sex, and age all had non-statistically significant effects on the survival time to PRIME-based recidivism. Although those who committed a criminal harassment intimate partner violence offence in 2015 had a median recidivism timeframe that was 120 days longer than those who committed a harassing communications intimate partner violence offence in 2015, this difference was not statistically significant. The difference between male and female perpetrators was quite small, with female intimate partner violence harassment perpetrators committing a new criminal offence at a median difference of 60 days after male intimate partner violence harassment perpetrators. Age also showed a negligible and non-significant effect on the median number of days to a new PRIME-based criminal offence.

**TABLE 19: NUMBER OF DAYS TO PRIME-BASED RECIDIVISM BASED ON INDEX OFFENCE, SEX, AND AGE**

	Median Survival Time (Days)	Wilcoxon Statistics	$\beta$
<b>Current Offence</b>		<b>0.25</b>	
Harassing Communications	135		
Criminal Harassment	255		
<b>Sex</b>		<b>0.17</b>	
Female	270		
Male	210		
<b>Age</b>			<b>0.005</b>

\*  $p < 0.05$

A final set of analyses with the PRIME recidivism data explored the specific forms of recidivism among the 42 individuals who had a new police file following the 2015 index offence (see Table 20). It is important to caveat these findings, as the way the data is reported did not allow the authors of this report to identify whether these offences were committed in the context of an intimate relationship. Still, it is concerning to note that the most common form of re-offending following the 2015 index offence for intimate partner violence harassment was an assault (21.4 per cent). When considering the two forms of harassment related offences, nearly one-in-five (16.7 per cent) of

<sup>7</sup> This column tallies to >100% as each row is a cumulative number.

those who reoffended committed a subsequent harassment related offence. While this proportion of recidivists was not overwhelming, it did seem to point to a potential sub-group of more persistent harassers. This suggestion was confirmed in subsequent analyses, reported in the next section of findings.

**TABLE 20: PRIME-BASED RECIDIVISM OFFENCES ( N = 42)**

	n	% Total
Assault	9	21.4
Motor Vehicle	5	11.9
Theft - False Pretense / Forgery / Fraud / Mischief / Possess Stolen	5	11.9
Criminal Harassment	5	11.9
Utter Threats	3	7.1
Breaking & Entering	2	4.8
Harassing Communications	2	4.8
Breach - Probation / Recognizance	1	2.4
Other	10	23.8

#### *Harassment Offender Categories – PRIME-Based Analyses*

Table 21 suggests that there are important variations in the categories of harassment behaviour, which is consistent with the trends observed in the CPIC data. However, the specific patterns differed. Based on the PRIME data, far and away, the largest group of intimate partner violence harassment perpetrators (83.5 percent) were engaged in a single act of harassment. These individuals appeared not to have a prior criminal police file, nor were they associated with a new criminal file during the follow-up period. A further 6.7% of offenders did exhibit at least one prior police contact in their criminal history, but none of these offences were for harassment, and none of these offenders recidivated. For these two groups, this suggests that they are ‘one-and-done’ harassment perpetrators who heeded the formal warning that their activities constituted criminal behaviour. On the other hand, approximately 10% of the sample committed at least two harassment offences. Within this group of 28 individuals, one-third (35.7 per cent) had two harassment-related charges while the remaining two-thirds (64.3 per cent) had three or more harassment charges. While the extent of the analyses was limited by this small sample size, what these results may indicate is that there is a subgroup of persistent harassers who, if not deterred by the police response to the initial harassment offence, continue with a pattern of harassing behaviour. Much more research needs to be focused on this subgroup to determine the reasons for their ongoing harassment (e.g., personality or mental health challenges) and to identify possible future deterrents.

**TABLE 21: HARASSMENT OFFENDER GROUPS (N = 285)**

	n	%
One-and-Done (Index Harassment Offence is Only File)	238	83.5
Generalists (Criminal Record but Only One Harassment File)	19	6.7
Repeaters - Two Harassment Files	10	3.5
Serials - Three or More Harassment Files	18	6.3

The total number of harassment files documented in PRIME per individual is presented in Table 22. As suggested above, according to data on police contacts held in PRIME, intimate partner violence harassment appears generally to be a single event, with 90% of the sample only having a single harassment related offence on file, but a few individuals stand out for their repetitive behaviour, with 10% of all intimate partner violence harassment perpetrators committing more than one harassment related offence, and a little over 5% committing three or more harassment related offences.

**TABLE 22: NUMBER OF HARASSMENT OFFENCES IN PRIME (N = 285)**

	n	%
1	257	90.2%
2	10	3.5%
3	5	1.8%
4	2	0.7%
5	6	2.1%
6	1	0.4%
7	1	0.4%
8	1	0.4%
9	1	0.4%
10	1	0.4%
Average	1.32	

Unfortunately, subsequent analyses conducted with the available data were unable to identify factors that could differentiate the persistent harassment offenders from the 'one-and-done' harassers. Table 23 demonstrates the breakdown of offender categories by sex. Approximately the same proportions of male and female harassment perpetrators were classified as 'repeaters' or 'serials'. Moreover, the average number of files between female and male harassment perpetrators were not statistically significantly different ( $t = 0.18, p = .857$ ).

**TABLE 23: PRIME-BASED HARASSMENT OFFENDER CATEGORIES BY SEX**

	Female		Male	
	n = 37	%	n = 248	%
Harassment File is Only File	29	78.4%	209	84.3%
One Harassment File	4	10.8%	15	6.0%
Repeaters	1	2.7%	9	3.6%
Serials	3	8.1%	15	6.0%
Average Number of Harassment Files	1.35		1.31	

Table 24 reveals the same type of results in relation to age, in that the average number of harassment files across the various age categories were not statistically different ( $F(2, 282) = 0.14$ ,  $p = .872$ ). Given the small overall number of persistent harassment offenders, further research would best be served by attempting to analyze larger numbers of harassment perpetrators with a wider array of potential explanatory factors, such as personality and mental health factors.

**TABLE 24: PRIME-BASED HARASSMENT OFFENDER FILES BY AGE (N = 285)**

	n	Average
Under 30	70	1.26
30 - 49	157	1.35
50+	58	1.29

In conclusion, the PRIME data regarding contacts with the police indicated that approximately one in ten intimate partner violence harassment perpetrators may be considered persistent harassers, whereas the bulk of intimate partner violence harassers are ‘one-and-done’ perpetrators who appeared to be successfully deterred by the initial police response to the harassment index offence. Given that few intimate partner violence harassment perpetrators had a prior or subsequent police contact available in PRIME, few clear patterns emerged to explain this data. However, it is important to note that the trends observed using PRIME differed from the trends observed based on CPIC charge data. This issue will be addressed in the subsequent section.

## Recommendations

The objective of the study was to explore the complexities of harassment related intimate partner violence file investigations to provide some clarity around the variations in charging patterns across the different policing districts in British Columbia and the relatively low rates of files cleared by charge for criminal harassment and harassing communications. While there are five main recommendations provided below, there are several important suggestions bolded within each of these broad areas that should be considered on the basis of the findings of this project, in conjunction with the prior academic literature.

## 1. FUTURE RESEARCH

This study is one of the very few to have examined criminal history patterns among intimate partner violence harassment offenders. Both the PRIME and CPIC data identified that a minority of intimate partner violence harassers may be considered ‘persistent’ harassers, in that they have accumulated at least two criminal harassment or harassing communications files. However, the percentage of intimate partner violence harassers who were identified as persistent harassers differed based on the source of data used. Using criminal charge data, one-quarter of the intimate partner violence harassers were identified as persistent harassers, as compared to only one-in-ten when using the police contact data. Similarly, the CPIC data indicated that half of intimate partner violence harassers had either a prior criminal charge (42 per cent) or a subsequent criminal charge (47 per cent). In other words, according to the CPIC data, intimate partner violence harassers are likely to have a criminal history. In contrast, the PRIME data suggested that intimate partner violence harassers are unlikely to have extensive contact with the police, given that approximately 80% had only a single harassment related file in 2015, while 13% had a prior criminal contact and 15% had a subsequent criminal contact. While this can be attributed to data purging practices, this inconsistency is very important to acknowledge, as it implies that the data source used to study this issue will yield very different pictures.

Related to this, the patterns identified within each data source also showed different trends. According to CPIC data, those most likely to have a prior or subsequent criminal charge were the intimate partner violence harassers with a criminal harassment index offence. In contrast, the PRIME data suggested that the intimate partner violence harassers with a harassing communications offence were more likely to have a prior or subsequent police contact. Given the different patterns observed, it was not surprising then that the relationship between sex and criminal history differed. As a larger proportion of women than expected were associated with harassing communications offences, the PRIME data implied that there were no substantive differences between those most likely to have a prior or subsequent police contact according to sex. Conversely, the criminal harassment charge data identified that men were significantly more likely to have a prior or subsequent criminal charge than were women. **It is essential that researchers clearly understand and articulate the source of the data and its potential caveats when analyzing and reporting criminal history trends.**

In the current study, using CPIC charge data, while only 10% of those with a prior criminal charge had a previous harassment-related charge, 50% of those who went on to receive a subsequent criminal charge committed another harassment offence. When considering the full sample of 285 intimate partner violence harassers, this meant that 25% of the entire sample continued their harassing behaviour to the point it was reported to the police, and charges were approved. **Further research is required to understand how these persistent harassers differ from the one-and-done group in British Columbia.** It is clear that this subgroup of intimate partner violence harassers are not easily deterred and will require a more severe intervention.

These findings suggest that criminal history may be an important indicator for police of who is likely to respect the harassment warning and curb future harassing behaviours, and who is more likely to continue with their behaviours and may benefit from more formal interventions and closer case management by the police. These results also suggest that **police investigators who are**



**managing intimate partner violence related stalking/harassment files should check in with the victims of these offences within the first six months (and ideally sooner) to assess whether the harassing behaviours have stopped** as offenders who are likely to persist with harassment tend to do so within the first six months. In the meantime, investigating officers may want to **recommend that victims of intimate partner violence related harassment maintain a stalking/harassment log**, as this is one of the key pieces of evidence relied upon to support charges (e.g., Backes et al., 2020). Stalking logs may feel like a burden for victims, yet they are important to assist in a police officer's investigation. In one example provided by Nichols (2020), a victim of stalking was able to provide evidence by tracking that her former partner had driven by her house on a public road five times within ten minutes. As explained by Nichol (2020), this was not something that the perpetrator could easily justify, and having this evidence supported the nature of the behaviour as constituting stalking/harassment. However, to ensure that victims are not feeling overburdened by this task or feeling like this is simply 'busy work', **police should also keep a record of these encounters, should keep the victim informed about the progress of their case, and should check in with victims from time to time over the course of the investigation to ensure that they are connected to services that can provide more ongoing support.**

Prior research has identified the use of 'red flagging' domestic violence stalking files, but this was not a common strategy in the current study. Given that stalking/harassment is one of the risk factors associated with a risk of severe or lethal harm, it would be beneficial to **examine PRIME data to determine how often a flag was placed on a file where intimate partner violence harassment has occurred, under what circumstances these flags were used, and the effect the flag had on subsequent calls for service.** For example, it is possible that a larger proportion of the offenders who went on to receive subsequent harassment related charges were those who were 'red flagged' and therefore more closely observed or more seriously responded to by the police. Very little is known about this practice, but it could be a simple policy response used by police in intimate partner violence cases to indicate that further attention should be given to this file, particularly if the perpetrator fell into the persistent group via already having accumulated two or more harassment related police contacts or charges in their past.

Knowing whether an intimate partner violence stalker/harasser is persisting in their behaviours is also important, as this may have implications for the type of stalker/harasser the perpetrator is. As noted in the literature, stalkers/harassers motivated by amorous reasons may be more likely to desist after a short period, whereas those motivated by anger/revenge may be more likely to continue their behaviour over a longer amount of time, such as one or more years. Unfortunately, the criminal justice system does not appear to provide effective deterrents for these groups of perpetrators. Although the study is now dated, Melton (2004) found that whether a stalker was found guilty or not in court had no bearing on the likelihood of future stalking. Similarly, among those who were convicted and sentenced, there was no deterrent effect based on the sentence received. Regardless of whether the offender received time in jail, probation, or some other outcome, the best predictor of stalking recidivism was the severity of their stalking in the past. This suggests that more interventions beyond the criminal justice system are likely necessary to hold stalkers accountable and to deter them from persisting in their behaviour.

For those who persist in their stalking/harassment and who are not easily deterred by a formal police warning or a criminal justice response, a recent program in the United Kingdom may offer a possible solution. In January 2020, Stalking Protection Orders (SPOs) were introduced throughout the United Kingdom. Like the civil protection order system in British Columbia, SPOs prohibits the restrained party from contacting the protected party either physically, verbally, or via telecommunications. However, these orders are specific to stalkers. One of the major differences is that a restrained party under an SPO can be ordered into treatment. This is significant because therapy or other interventions may address the underlying reasons for the stalking behaviour. They also enable closer monitoring by the police who can criminally enforce the order should a condition, including the requirement to attend treatment, be breached. While an SPO would not be useful in all cases of stalking/harassment, it could provide an avenue by which to connect more persistent and potentially dangerous stalkers with needed interventions before these cases escalate to a higher risk level. **The civil protection order system in British Columbia does not allow for judges to impose treatment-related conditions for restrained parties. However, it would be worth exploring whether this approach could be adopted in specific circumstances. For example, SPOs could be a strategy used by an ICAT when assessing and responding to ongoing risk present in a highest risk intimate partner violence case where stalking/harassment are present.**

Though Melton's (2004) findings suggested that criminal justice outcomes were not a deterrent to those charged or convicted of stalking, it may still be disheartening for the victims to have charges approved but then have the file stayed at court. In the current study, a slight majority (55 per cent) of the subsequent harassment recidivism files resulted in a stay of proceedings. This may have a deterrent effect on reporting going forward as the victims may see their intimate partner stalkers/harassers as not being held accountable for their actions. It is important that victims of intimate partner stalking are encouraged to report their experiences to the police, and that the police are equipped to conduct an appropriate investigation that not only increases the victim's satisfaction with the police response to their victimization but also enhances the likelihood of obtaining sufficient evidence to result in charge approval and a positive criminal justice outcome.

As demonstrated by past research in North America, stalking is a common feature of intimate partner violence relationships and stands out as a risk factor for lethal intimate partner violence (Dawson & Piscitelli, 2017; Weller et al., 2013). As discussed in the literature review, the prevalence rates of stalking may still be underestimated as both victims and police appear to have difficulty identifying these behaviours as criminal and may intentionally or unintentionally downgrade their level of seriousness. However, in the current study, the police participants did not appear to struggle with identifying harassing behaviours, though they did have difficulty clearly distinguishing criminal harassment from harassing communications, and harassing from stalking, the latter of which does not exist as a unique offence under the *Canadian Criminal Code*. It is important to note that the participants in the current study were specially trained investigators, not a general duty member responding to the immediate calls for service who are typically the investigators who handle intimate partner violence calls from dispatch through to the Report to Crown Counsel. This is important to keep in mind because research has suggested that specially trained investigators are much more likely to be able to identify and know how to respond to harassing or stalking behaviours than non-specially trained officers (Lynch & Logan, 2015; Weller

et al., 2013). Given this, as discussed in more depth in the recommendations section below, **it is recommended that further research be conducted directly with frontline members regarding their understanding of stalking/harassment in Canada and their preparedness, comfort, and available resources when conducting intimate partner violence harassment related investigations.** One way to study this would be to provide a random sample of frontline police officers in British Columbia with a series of short vignettes that describe typical intimate partner violence calls for service with some vignettes including elements of stalking/harassment. Similar research from the United Kingdom and the United States demonstrated that police officers had difficulty recognizing these types of files and understanding how to handle them effectively. As there are wide variations in charge patterns in British Columbia, a study of this kind could document where the gaps in knowledge were that future training courses could target. Collecting some baseline data regarding frontline officer knowledge of stalking/harassment that could be repeated post-training would also enable the province to draw some conclusions about the effectiveness of stalking/harassment training courses should that recommendation be implemented.

In addition, future research should examine the quality of data recorded using the Summary of Intimate Partner Violence Risk Factors. There are several reasons why this would be a beneficial study. First, by analyzing a sample of these supplementary forms, researchers could examine the extent to which officers were adequately documenting stalking/harassing behaviours when they occurred in a file. Further, by examining the officer's synopses (narratives) or the call for service, it may be possible to identify where stalking/harassing behaviours were occurring but had not been properly followed up on in terms of questioning and documentation.

A second reason to analyze this data is to better understand the patterns of harassing/stalking behaviours as they occur with the other indicators captured by the tool. The current study provided support for the anecdotal observation that some perpetrators of harassment would desist following a warning that their behaviour was criminal. However, as demonstrated by the quantitative analyses, a subset of these perpetrators were more chronic perpetrators of harassing behaviours. These perpetrators were difficult to deter, and prior research implied that these individuals were more likely to progress to severe or lethal forms of violence. The current study was unable to determine why this occurred because the extent of perpetrator data was limited to their criminal history; however, by analyzing a sample of the BC Summary of Intimate Partner Violence Risk Factors, a more meaningful analysis of perpetrator characteristics associated with harassing behaviours could be conducted that would provide a clear profile of the type of perpetrator likely to continue engaging in harassing behaviours towards a current or former intimate partner. It would also be important to see how many of these types of files were referred to the ICAT for highest risk offender assessments, as research has demonstrated that this was a substantial risk factor for intimate partner homicide.

A third reason why this type of research is important is that while the previous BC Summary of Domestic Violence Risk Factors captured harassing behaviours (under the title of stalking), the use of this tool in the field has never been empirically evaluated and so it is unclear how frontline officers enquire about stalking/harassing behaviours in intimate partner violence files, how complainants might describe these kinds of behaviours, and whether and how often police officers

are missing the proper scoring of this indicator based on the use of unclear terminology or lack of training specific to conducting harassment investigations. Furthermore, the new Summary of Intimate Partner Violence Risk introduced in 2021 removed stalking/harassment as a unique indicator and included these behaviours as evidence of the new coercive controlling behaviour risk factor, along with other forms of possessive controlling behaviours. It is unknown whether this will improve police officer comprehension of stalking/harassment as part of a larger course of conduct of controlling behaviours, or if removing this as an individual indicator will limit the extent of the information captured about the frequency, intensity, duration, direction, and methods of stalking/harassment in intimate partner violence files. **Given that stalking/harassment is a significant risk factor for lethal intimate partner violence, close attention should be paid to the impacts of this change.**

As police in British Columbia only recommend charges and Crown Counsel approves charges, **further research examining the charge approval process for harassing-type behaviours would be beneficial to understand the reasons why charges may not be approved or may be approved and stayed or withdrawn.** This research may identify where there are gaps in the police provision of evidence that could be enhanced through further training or via more structured assessments of stalking/harassing behaviours when they are noted to occur in an intimate partner violence file. As one example, fear is an element of the offence of criminal harassment, yet the participants in the current study struggled to assess this. It would be beneficial to study to what extent the difficulties with articulating fear led to a lack of charge approval or successful prosecution of harassment files. There is a dearth of research examining the prosecution of intimate partner violence files in British Columbia and such a study would begin to fill this gap in knowledge.

It would also be beneficial to **collect data from the victims of intimate partner violence harassment to assess their levels of satisfaction with the police's response to their file, and to capture further data on the barriers to reporting these experiences to the police.** It would be of particular interest to examine barriers to re-reporting, given that some research has demonstrated that, while victims are initially satisfied with the police response, this changes over time, particularly if the file does not move forward (e.g., Taylor-Dunn et al., 2021). It is possible that the recidivism of intimate partner violence harassers is not fully being captured by either the PRIME or CPIC data because victims who had reported stalking/harassment and were disappointed with the criminal justice response may fail to report future victimizations. It would also be **useful to know how many incidents of stalking/harassment victims experience prior to reporting these behaviours to the police, and how they may be encouraged to report their victimization sooner.**

As noted in the literature review, harassment and stalking are differentiated from each other in some other jurisdictions based on the severity of the reaction and the effect it has on the day-to-day lives of its victims, with stalking considered the more serious form of fear-inducing behaviour. Unlike these jurisdictions, Canada does not distinguish harassing and stalking behaviours and instead subsumes both under the section on criminal harassment. There does not seem to be a clear need to separate these legislatively at this time as the research conducted in other jurisdictions suggested that stalking legislation was less commonly utilized than harassment legislation and that the distinction between the two continued to be blurred. However, should further research be able

to substantiate that stalking is indeed a more serious behaviour that increases the risk to the victim, Canadian legislation may in the future consider introducing a subsection or new section to the *Canadian Criminal Code* that allows for stalking to be treated more seriously than criminally harassing behaviours. Still, in Canada, harassment offences are hybrid offences meaning that they can be prosecuted more severely if the situation warrants it. The results of the current study did not examine case law surrounding criminal harassment or harassing communications and how often they were prosecuted as indictable versus summary conviction offences, as well as under what circumstances they were treated one way or the other. **An examination of legal cases involving criminal harassment or harassing communications in the context of intimate partner violence would be worthwhile to provide a fuller picture of the criminal justice response to these forms of intimate partner violence.** The current data suggested that many of these files result in a stay of proceedings with probation being the next most common outcome. **Further research is also recommended on the use of peace bonds in response to stalking/harassment files,** as this approach was evident in the CPIC data and mentioned by the police participants to this report. It is unclear how often peace bonds are being used in response to intimate partner violence files and what impact this has on victim satisfaction with the criminal justice response.

While there does not appear to be a need currently to differentiate between stalking and harassment legislatively, given the ongoing confusion with these terms, there does appear to be an issue with how harassment is defined in the *Canadian Criminal Code* relative to how the police understand this offence. Specifically, while fear is a component of the law, it was not commonly recognized by the participants in this study as an element of the offence. Police appear to be ahead of the Canadian legislation in understanding anger and frustration to be normative responses to harassment. Moreover, when participants did speak of fear, they indicated that it was difficult to assess and provide evidence of this reliably and accurately. These findings were consistent with the academic literature, which recognized that there was a wide array of responses to victimization, including anger and frustration (e.g., Dreke et al., 2020). Requiring that a victim show fear may, therefore, not be an appropriate way to criminally define harassment. Still, given what the legislation currently says, further training on the fear component of the offence may be necessary. Related to this, police participants tended to focus on the behaviour being unwanted (although this was not an element of the offence, according to the *Canadian Criminal Code*) and leading to some form of emotional response by the victim, regardless of whether that emotion was fear-based or, more commonly, anger. Despite not being a component of the legal definition, unwanted was the most common term used by participants to define harassment in the current study. As discussed in the findings, the participants felt that, for a criminal charge to be supported, they must be able to show that the communication or attention was unwanted, the victim or a police officer directly said to the perpetrator to stop contacting the victim, and the perpetrator failed to stop attempting to contact the victim. Fear does not appear to play a role in these investigations. Thus, what the police appear to focus on versus what the legislation stipulates are necessary elements of the offence conflict with each other. **This suggests the need for a larger policy review of the *Canadian Criminal Code* definitions related to stalking and harassment.** Again, while there does not currently appear to be a need to differentiate between stalking and harassment, given the ongoing conflation of these terms in academic research and criminal justice practice, one consideration that

may be worthwhile is whether harassment and stalking should be considered along a continuum, where repeated unwanted overt attempts to communicate with the victim resulting in anger and frustration may be considered harassment and persistent covert attempts of following or spying on the victim resulting in fear for one's safety may be considered stalking.

The interview data confirmed that harassment investigations are difficult to conduct and that obtaining the necessary evidence is time consuming and difficult. This situation is made even more challenging by case law that requires that production orders be obtained to enable the suspect's and complainant's phone or computer to be seized and analyzed. This may deter some police from trying to obtain sufficient evidence for charge approval. Participants also suggested that frontline investigators would likely lack the time needed to sufficiently dedicate to a harassment related intimate partner violence file because these investigations tended to be complex. A few participants mentioned the use of a checklist with investigative steps, but it was unclear how common this was or where the checklist originated. In addition, participant responses suggested that criminal harassment and harassing communications offences were often conflated. Given these findings, **it may be worthwhile to conduct a quality control review of harassment related files (specifically criminal harassment and harassing communications in intimate partner violence files) to examine the steps taken by frontline investigators, the quality and quantity of evidence collected for these investigations, the extent to which these files are accurately scored with the proper UCR code, and the effects of using a harassment-investigation checklist or guiding manual.** Further suggestions regarding researching frontline officers' comprehension of harassment-related intimate partner violence files are discussed in the recommendations section.

## **2. TRAINING ON INTIMATE PARTNER VIOLENCE HARASSMENT INVESTIGATIONS**

Beyond the generic domestic violence training that all police officers receive, participants did not receive any training specific to harassment in intimate partner violence, even though they were all working specifically as domestic violence investigators. It is also noteworthy that participants did not receive any specific training on harassment given that harassment files appeared to be a relatively common type of intimate partner violence in some policing jurisdictions. Several participants in the current study gave inaccurate definitions of criminal harassment/stalking and harassing communications, and there appeared to be some confusion around the role of fear in these cases and how to assess for it. Likewise, while they noted that harassing communications appeared to occur more often than criminal harassment, when asked to describe behaviours indicative of these separate offences, the behavioural examples commonly overlapped.

**Given this, it is recommended that a supplementary harassment-specific training be developed for police officers in British Columbia.** This training should discuss the legislation that applies to harassing types of behaviours in Canada, should clearly distinguish between different types of harassing behaviours, including, at the very least, criminal harassment and harassing communications, and should also discuss the unique aspects of harassment in the context of intimate partner violence compared to stranger harassment/stalking. This last point is important because research has indicated that the underlying motivations, patterns, and persistence for these



behaviours appears to be quite different between intimate partner violence and stranger harassment/stalking, as does the risk for violence. The training should also focus on victim responses to harassment/stalking, including fear, and other common emotional responses, such as anger and calmness. It is also important for the training to include information, strategies, and practice with probing for, assessing, and documenting victims' emotional responses to the victimization because this was an area that domestic violence investigators in this current study admitted struggling with.

While all officers in British Columbia are already trained on how to conduct evidence-based intimate partner violence investigations, the harassment-specific training could speak to some of the more unique aspects of these types of investigation, including the importance of documenting a pattern of behaviour, understanding stalking/harassment in the broader context of coercive control and the underlying motivations for these behaviours, understanding the steps needed to obtain evidence from technological device, such as cell phones and computers, and the more unique elements of safety planning that may need to occur with these types of situations. More specifically, while the authors of this report recognize that this is a particular skill that some officers specialize in, the training could review how to write production orders and warrants for the types of digital evidence that may be seen in these files, particularly in those involving harassing communications, and how to properly process and store that information, pending charge approval and a court date. Of note, this latter training will likely be of benefit to members throughout their policing careers and not just when they are serving as general duty members. It is also important that the training include content on why victims of intimate partner violence harassment may continue to have contact with their harassers, as this may otherwise lead to victim blaming, a negative interaction between the victim and the police, a lack of future reporting to the police by the victim, or weaken the likelihood of charge approval or a conviction.

Depending on the implementation of the recommendations regarding the use of stalking/harassment screening or assessment tools, another aspect to this training could be to provide frontline officers with clarity on the appropriate steps to take in lower-risk cases of stalking/harassment and those that should be reserved for the more severe cases. Following the pilot test of a stalking assessment tool with the Netherlands National Police, Hehemann et al. (2017) suggested implementing "police responses [that] are tied to the assessed level of concern" (p. 174). More specifically, they recommended that, in lower-risk cases, the police response should be to take a statement or report, provide the complainant with some safety planning options, and warn the offender to desist. In more moderate or higher risk cases, the police officer should always implement a threat management plan that included attention to victim safety, the involvement of other criminal justice or social service agencies, and offender monitoring. This is somewhat akin to the process currently used in British Columbia for intimate partner violence offenders who are designated as highest risk and monitored through ICATs across the province. However, officers may benefit from training specific to harassment investigations that clarifies the rationale for these processes. Further, prior academic literature together with the results from this current study suggest that, while a subgroup of intimate partner violence harassers without prior involvement in criminality may stop their harassment after being warned by the police, those who engaged in more regular psychological control during the relationship, and those with previously documented stalking/harassment charges were more likely to continue to persist in this behaviour. As a result,

these perpetrators likely require a more intensive case management to deter their behaviour from continuing or escalating. It may be appropriate to refer all such files to an ICAT for a more in-depth risk assessment and discussion of case management. The BC Summary of Intimate Partner Violence Risk now includes measurement of coercive controlling behaviours, which may facilitate this process.

### 3. ADOPT POLICY REQUIRING THE SERVING OF HARASSMENT WARNING LETTERS

While some participants observed that the Harassment Warning Letters were a useful tool to document that the perpetrator has been told that their behaviour was unwanted, the use of these letters appeared to be relatively uncommon in this sample. It was unclear why the letters were not being used more frequently, though this finding is consistent with research from the U.K. (Taylor-Dunn et al., 2021). One potential explanation may be that the existence of the Harassment Warning Letters are not common knowledge. It may also be because officers are unaware of the potential success these letters can have on deterring and desisting harassing behaviours.

**One recommendation that the 'E' Division RCMP may want to consider adopting is to make a Harassment Warning Letter a requirement in all founded files where the assigned UCR code involves criminal harassment or harassing communications.** While the Harassment Warning Letter itself may fail to change the behaviour of many of the perpetrator it is issued to, it is an easy and consistent way to document that the perpetrator has been formally warned, which is a required step in moving towards a harassment related charge given the need to demonstrate a pattern of unwanted behaviour. It would also be helpful to assess the effect these letters have on the perpetrators they are issued to, as they may work well for certain types of individuals who are more likely to fall into the 'one-and-done' category.

Similar to how the police are currently required in policy to administer the BC Summary of Intimate Partner Violence Risk supplement in founded intimate partner violence files, the Harassment Warning Letter could be a required step to issue to the perpetrator and to attach to the PRIME file. Given that most family violence files are handled by frontline general duty members, the policy should require that the supervising officer or the designated domestic violence investigator conducting the file review send the file back to the frontline investigating officer if they have not issued and documented the issuance of a Harassment Warning Letter to a perpetrator in a harassment-related intimate partner violence call for service. Similarly, Crown Counsel could require evidence that a Harassment Warning Letter has previously been issued before giving charge approval. However, this could also have the unintended consequence of reducing the number of harassment charges approved by Crown should officers forget to issue the letter. Therefore, it may be best to focus instead on ensuring that a component of the file review process by police supervisors is to check for the presence of a Harassment Warning Letter and require that the officer issue one if there is no evidence of one on the file.

#### 4. IMPLEMENT A STALKING ASSESSMENT SUPPLEMENTARY TOOL

Participants in the current study routinely used the BC Summary of Domestic Violence Risk Factors to assess for indicators of potential severe or lethal violence in relationships, including. Based on this tool, if a perpetrator of intimate partner violence is believed to pose a high risk, the more time intensive and complex B-SAFER assessment can be administered to determine if the highest risk offender protocol in the provincial *Violence Against Women in Relationships* policy should apply. However, while some of the specifically assigned domestic violence investigators in the province have been trained on the B-SAFER, it did not appear to be frequently used by the participants in this study, typically because of the time required to administer the B-SAFER. Still, participants who were familiar with the SAM indicated that they felt the BC Summary of Domestic Violence Risk Factors or the B-SAFER would be more appropriate to assess stalking/harassment given that these tools focused on the intimate partner violence relationship, whereas the SAM was more appropriate for use in stranger stalking.

The original BC Summary of Domestic Violence Risk Factors asked officers to document if there appeared to be jealousy, obsessive/controlling behaviours, or evidence of stalking/harassment. However, the tool did not capture the intensity, duration, methods, or escalation of stalking/harassing behaviours and given the lack of research with this tool, it is unclear how officers inquired about stalking/harassing behaviours when interviewing a complainant. It is also unclear how much detail officers were using when documenting the evidence for this indicator. More recently, stalking/harassment has been subsumed under the Coercive Controlling Behaviours indicator as one of the examples of this construct. While the new job aid includes examples directly on the Summary of Intimate Partner Violence Risk Factors of a range of behaviours that could be considered as stalking/harassment, it is unclear how officers will enquire as to the presence of stalking/harassing behaviours and how they will integrate this with the concept of coercive control.

As documented in this study, investigating harassing-behaviours is complex and the evidence to support related charges may be difficult to obtain. Given this, **police agencies may want to consider piloting a tool that more specifically guides officers to query about and document evidence of stalking/harassing behaviours.** It is not realistic to expect frontline police officers to be experts in everything, but this needs to be balanced against the fact that frontline police officers are the ones responsible for conducting a comprehensive investigation. Supplementary tools act as job aids to support the quality of the investigation when the alternative – having specially trained officers with the necessary expertise to handle all such calls for service – is not a practical suggestion. With this in mind, one example that might be considered is the Stalking and Harassment Assessment and Risk Profile ([SHARP](#)) that was specifically designed to assess for stalking and engage victims in safety planning behaviours (Logan, 2017). To use the SHARP, information is provided by the victim or by a criminal justice professional on 43 indicators associated with stalking-like behaviours. The program then generates two reports. One reviews the case facts and the other provides suggested strategies for case management, such as use of a safe house. The SHARP takes approximately 15 minutes to complete and could be triggered by the presence of Coercive Controlling Behaviours on the Summary of Intimate Partner Violence Risk Factors.

While there is little information available on the efficacy of this tool, it could potentially help victims who might otherwise downplay the severity of their situation and allow them to appropriately

appreciate the level of seriousness or danger posed by their stalker/harasser. Using the SHARP may also help a victim to articulate the facts of concern more clearly and in ways that can be objectively interpreted and used as evidence of a pattern of stalking/harassment behaviour. This is a desired outcome because participants in the current study articulated the need for more training on how to properly capture a victim's emotional response to an incident of harassment. The participants in this study also indicated that they wanted to know the right questions to ask and how to record the victim's answers that conveyed exactly what the victim was experiencing.

Another possible tool is the Screening Assessment for Stalking and Harassment ([SASH](#)), which is a structured professional judgment risk assessment tool to determine whether a perpetrator appears to be low, moderate, or high concern for future stalking behaviours (Hehemann et al., 2017). In one study conducted with the Netherlands National Police, Hehemann et al. (2017) assessed the predictive validity of the SASH over a six-month period with 115 cases of stalking and found that the tool could be used fairly reliably by frontline officers with minimal training. The researchers also found that the tool was effective at identifying a portion of the cases that subsequently involved repeat stalking. The SASH was specifically developed with frontline investigators in mind and is intended to be used as a screening tool to indicate whether a more in-depth risk assessment is necessary (Hehemann et al., 2017). However, like the SAM, it may be more appropriately used in non-intimate relationship situations, given that only three of the 16 indicators in the tool are specific to an intimate partner relationship and, as discussed throughout this report, there are important distinctions between intimate partner stalking and acquaintance/stranger stalking.

Finally, the [Stalking Behavior Checklist](#) provides a list of 32 forms of stalking behaviours that are measured in terms of frequency. While developed for the United States context, a similar tool could be adapted and piloted with police officers in British Columbia to determine the extent to which this instrument can serve to enhance an officer's understanding of the various ways that stalking might occur. However, this scale does not appear to have been validated by empirical research. Further, while helpful at capturing the range of behaviours a stalker/harasser might use, it provides little information regarding the potential risk that the perpetrator might pose to the victim.

While the SASH is likely more appropriate for specially trained investigators, given that frontline officers have neither the time nor the training required to adequately conduct formal risk assessments in intimate partner violence files, the SHARP (or a shorter Canadianized version of it) or the Stalking Behavior Checklist could potentially be implemented with frontline officers to enhance their initial investigations of harassment-related intimate partner violence files. An added benefit of the SHARP is the connection to safety planning for the complainant. Police agencies may consider piloting a stalking/harassment specific assessment tool in some of the jurisdictions with high rates of cleared by departmental discretion outcomes and in some of the jurisdictions with comparatively high rates of harassment related intimate partner violence files to measure whether the use of this tool increases file clearance and can improve file outcomes based on improving the quality of harassment investigations. It could also be adopted by ICATs when case managing the highest risk offenders where stalking/harassment is present.

Regardless of what approach is used to enhance police investigations of intimate partner violence harassment, the current study and prior literature suggested that it was important for police to understand the motivation for the harassment/stalking, as those motivated by revenge or anger

were more likely to persist for a longer period of time and to escalate into violence than those motivated by amorous reasons. Understanding stalking/harassment as a component of coercive control may, therefore, assist police going forward to distinguish between the harassers/stalkers who pose a greater danger and those who are deterrable with a warning. Relatedly, it is also important to consider criminal history, as intimate partner violence harassers with a prior pattern of stalking are more likely to persist in this behaviour.

## 5. RISK ASSESSMENT PRACTICES

Overall, participants who received the SAM training preferred to use the B-SAFER for assessing stalking/harassment in intimate partner relationships. While the SAM was helpful in identifying risk factors specifically indicative of stalking behaviours and relevant management strategies to reduce the risk of future harm, it was more appropriate for non-intimate partner violence cases. However, the B-SAFER instrument also had several challenges. As discussed above, participants felt that the B-SAFER was very time consuming. Some participants spoke of needing several full days to complete it given the importance of having in-depth data to base their assessments and management plans on. Some of those who reported receiving the B-SAFER training indicated that they had only used this tool with a few files. This could potentially increase the risk of unreliability in assessments. **One potential solution would be to develop regional risk assessment teams wherein specialized investigators would be appointed as the risk assessment provider for a particular region.** They would be given the full five-day risk assessment training that included both the B-SAFER and the SAM, and all files in need of a full risk assessment for the region could be referred these experts. General duty officers and the specialized domestic violence investigator at the detachment level could implement a screening tool when there are signs indicative of stalking or harassment in an intimate partner violence file. If the screening tool indicates that stalking or criminal harassment is occurring, the file could then be referred to the regional risk assessment designate for a more formal B-SAFER assessment.

As an example, the province of Alberta uses a provincial risk assessment model through the Integrated Threat and Risk Assessment Centre ([ITRAC](#)) operated by the Alberta Law Enforcement Response Teams (ALERT). ITRAC provides risk assessments and case management plans in intimate partner violence and stalking cases for the province of Alberta. Like this process, in British Columbia, **a second option to enhance the frequency and quality of risk assessments could be to appoint designated risk assessors to the British Columbia Real Time Intelligence Centre (RTIC-BC)** where they could receive requests for intimate partner violence risk assessments from jurisdictions around the province. As in the ITRAC model, these positions could be filled by civilian personnel with graduate training in psychometrics and risk assessment. The benefit of this model is that the RTIC-BC could provide risk assessments for the smaller jurisdictions where there may be a much smaller number of files in need of assessment and a lack of local resources to support the assessments when they are needed. By condensing the formal risk assessment process to a centralized agency, this should improve the reliability of the assessments given that there would be a smaller number of risk assessors completing a larger number of assessments. However, one challenge with this process is that the case management aspect requires a familiarity with the available local community and criminal justice resources with which to connect the perpetrator. It

is recognized that this would be more challenging to implement in a provincial model; however, it is also possible for routinely updated electronic lists of available service providers and resources in various jurisdictions to also be provided to the risk assessors assigned to the RTIC-BC. A second challenge with this process is that the investigator who is ultimately responsible for managing the file may not have as direct an understanding of the relevance of different risk factors or how best to management these risk factors given that they would likely not have received any specialized training on risk assessment, nor would they be as intimately familiar with the file having not done the risk assessment process themselves.

## Study Limitations

There were several limitations to the current study. In total, 18 semi-structured interviews were conducted with participants from across British Columbia to assess the complexities of investigating harassment-related files. However, in the RCMP, most files are managed from the initial call for service to the conclusion of the file by the frontline general duty member. The participants that were interviewed had a higher level of knowledge than many frontline officers given that the primary focus of their workload was on intimate partner violence calls. Collecting data from frontline general duty officers to assess their understanding of the elements of these offences, the evidentiary requirements, and the investigatory steps would be recommended to shed further light on the challenges with these files. This is particularly warranted for the harassing communications files because a significant number of these files were closed due to departmental discretion, despite there being evidence to identify a chargeable suspect. Due to the low number of accused/charged role statuses for harassing communications, the analysis of this data was reduced from over 200 files to 84 and so very little information was available about these individuals other than there was a larger proportion of women (13.4%) charged with this offence compared to men (5%), and relative to the other types of harassment.

A second limitation concerned the nature of the quantitative data. Analyzing CPIC charge data yielded completely different trends when compared to the trends from analyzing PRIME data. In part, this was due to the purging of records in PRIME. While the PRIME data analysis was intended to provide a more complete insight into interactions with the police among intimate partner violence harassers, the results of the PRIME analysis suggested that intimate partner violence harassers were mostly one-and-done perpetrators, whereas the CPIC charge data showed that a much larger group of intimate partner violence harassers had a subsequent charge for harassment. It is critical that researchers studying the criminal histories of offenders clearly identify and consider the source of data when analyzing criminal trajectories. Another major distinction between the two patterns was that, in the CPIC-charge data, the criminal harassers were significantly more likely to have a prior charge and to recidivate than were those with a harassing communications offence in 2015. Moreover, the PRIME-BC data suggested that those with a harassing communications offence were more likely to have a prior or subsequent negative police contact than were the criminal harassers. However, regardless of the source, both samples suggested that those who re-offended with a second harassment-related tended to do so within six months.



## Conclusion

As documented in this study, investigating intimate partner violence related harassment, and particularly harassing communications, is complex. Despite this, police have generally not received any supplementary training on conducting investigations of stalking/harassment, further complicating the quality of their investigations and the potential for charge approval and criminal justice outcomes. The results of the current study revealed that the variations in harassment related intimate partner violence investigations and clearance rates likely stems from a lack of training specific to harassment files and investigations. The results also highlighted the challenges that investigators faced in collecting the evidence required to establish that the behaviour was repetitive, unwanted, and produced a sense of fear in the victim. Among the other recommendations provided above, a suggested future step for British Columbia would be to develop and implement a supplementary training course on conducting intimate partner violence related harassment investigations that would enhance the investigations of general duty frontline members. While most harassment related files could be adequately dealt with in their entirety by general duty members, repeat harassment perpetrators might need a more severe intervention to deter their harassing behaviours more effectively. Given this, British Columbia may also consider establishing policy that requires repeat intimate partner violence harassers be reviewed by the ICAT (or equivalent) in that jurisdiction to determine whether the demonstrated patterns of behaviour are indicative of a high-risk offender who may meet their criteria for case management. The research suggested that specialized police investigators in British Columbia considered harassing behaviours to be a serious form of intimate partner violence. However, given the confusion that existed around criminal harassment and harassing communications, the degree to which fear was not considered to be relevant to the offence, despite being a stated aspect of the related criminal legislation, and the variation across the province in terms of clearance by charge versus clearance by other conclusion, it appears that police officers, in general, across British Columbia, regardless of whether they are frontline officers or more specialized family violence investigators, would benefit from training specific to the investigation of harassment-related intimate partner violence.

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