Cyberstalking in the UK: Analysis and Recommendations

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ABSTRACT

The growth in the use of interconnected devices in the UK is well-documented. Society has embraced new technology allowing access to information, systems, and people; children are being described as digital natives and social networking, internet telephony, and accessing digital entertainment are a major part of their lives. However, whilst the ubiquitous nature of modern communication systems has brought many benefits, there exist a minority that uses the technology to harass others. This paper considers the phenomenon of Cyberstalking and presents an analysis of the problem and the responses provided on the first survey that addresses issue specifically. The paper discusses the nature of attacks, the victim-attacker relationship, the impact of the attacks and the actions taken to resolve the issue. The paper also considers both the legal and technological aspects and presents recommendations to help reduce the occurrence of Cyberstalking.

Keywords: Bullying, Communication Systems, Harassment, Legal, Post Traumatic Stress Disorder (PTSD), Stalking, Technology, Trauma

INTRODUCTION

Stalking has had a presence in the public consciousness for far longer than any understanding derived from a systematic study of its nature. There have been numerous cases reported in national and international press for many years, one of the most famous being the case of John Warnock Hinckley, Jnr., whose obsession with Jodie Foster resulted in him following US President Jimmy Carter across states in America, and ultimately in the attempted assassination of President Ronald Reagan. Of course there have been a great number of other cases that involve famous people as well as ordinary members of the public. Not a day goes by in the international media without some mention serious cases of stalking and harassment.

In response to the growing concern of the problem in Australia, Matthew Goode produced
a report for the Australian Institute of Criminology entitled “Stalking: crime of the 90’s” (Goode, 1995). In the UK, efforts to address the growing problem resulted in the introduction of new stalking legislation in the form of the Protection from Harassment Act 1997 (PfHA, 1997). Though the act does not offer an exact definition of stalking or harassment, it “prohibits conduct that has a particular effect on the victim” (Petch, 2002). In the US, stalking is defined differently in each state, though again they each consider the fear a reasonable person might experience. Some states require that the course of conduct causes the victim actual fear, others only require that the behavior would cause a reasonable person to feel fear. There also exist states that require that the victim experience actual fear and also proof that a reasonable person would also feel fear.

Definitions of Stalking

Stalking, or harassment, is distinctive in law since the offending behaviour is said to occur only when the victim reports themselves to be distressed as a result of the behaviour of another whom they believe to be threatening. The “victim’s” perception of the offending behavior and its effects are therefore pivotal in providing criteria on which to make a charge.

The Protection from Harassment Act states that “a person must not pursue a course of conduct which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other” (PfHA, 1997, Section 1). In parallel, the psychiatric literature has defined stalking as a course of conduct by which one person repeatedly inflicts on another unwanted intrusions to such an extent that the recipient fears for his or her safety (Mullen, Pathé, & Purcell, 2004). Repetition and persistence are also characteristics of this behavior. In an attempt to define when repeated intrusion becomes problematic behaviour, an accepted cut-off point for “normal/abnormal” contact is suggested by Pathé, Mullen, and Purcell’s (2000) criteria for persistence and repetition (over four weeks and/or more than 10 occasions). Due to the subjectivity of the legal definition this paper refers to research that has drawn on Pathé et al.’s (2000) definition as well as research where respondents are self-defined stalking victims.

Technology and the Emergence of Cyberstalking

The rapid rate of advancement of information and communications technology has resulted in a proliferation of faster, cheaper, smaller, interconnected devices: in the first quarter of 2011, ARM, the industry’s leading provider of 32-bit embedded microprocessors shipped over 1 billion chips, most of which went into mobile devices. The use of electronic communications has had wide appeal, and in August 2008 for example, Barack Obama announced by text message that Joseph Biden was to be his vice presidential running mate (Rosen et al., 2010). People of all ages are embracing communications technology: Lenhart et al. (2008) found that in 2007, “85% of teens ages 12-17 engage at least occasionally in some form of electronic personal communication, which includes text messaging, sending email or instant messages, or posting comments on social networking sites.” CTIA’s 2010 survey (CTIA, 2010) reports that in 2005 there were 1,495 billion minutes of talk across the networks, 81 billion text messages, and 1 billion MMS messages; in 2010 the figures were 2,241 billion, 2,052 billion and 57 billion respectively. This represented only a 50% growth in talk minutes compared to 2433% increase in text message and 5600% growth in MMS messages. In 2005 the ratio of minutes of talk to text messages was 18.46:1, in 2010 the ratio was 1.09:1. The growth in these new modes of communication has greatly advanced society in areas such as community, education, health and commerce. However, with these benefits there have also been drawbacks. The amount of electronic data and communication has given opportunity for areas of society to act unethically, immorally or even unlawfully. One area that has given
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