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The Association Between Stalking and Violence in a Sample of Spanish Partner Violence Cases

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Abstract

The present descriptive study analyzes stalking in a sample of 278 Spanish court cases involving partner violence and contrasts the benefits of the new bill article 172ter, which criminalizes stalking, compared with the Organic Law 1/2004 on partner violence. Thirty-seven percent (37%) of the total sample included stalking behaviors, which manifested in intimidatory (60%) and controlling (45%) unwanted verbal communications (62%) and physical approaches (42%) that ended violently in a third of the cases (35%). Cases involving violent stalking, non-violent stalking, and physical violence without stalking were compared. A closer look at violent stalking cases uncovered that intimacy-seeking stalking behavior was concurrent with face-to-face aggression with a sharp object, whereas pursuit/control and invasive behavior were associated with property invasion and damage. Data not only support the contention that stalking should be criminalized regardless of the type of stalking behavior but also indicate that differences in the behavior might warrant different management interventions.

Keywords: stalking, intimate partner violence, physical violence, property damage

Although numerous definitions of stalking exist, most researchers generally agree that stalking comprises patterns and behaviors where a person is persecuted,

intentionally harassed, and/or subjected to unwanted communications, approach, or pursuit, and from which victims feel distress (Coleman, 1997; Cupach & Spitzberg, 1998; Douglas, Burgess, Burgess, & Ressler, 2006; Meloy, 1998; Melton, 2000, 2007; Mullen, Pathe, & Purcell, 2000). Similarly, research across different samples and cultures overwhelmingly finds that stalking is perpetrated by men against women, involved in a previous or ongoing intimate relationship, and a reported history of intimate partner violence (IPV; McFarlane, Campbell, & Watson, 2002; McFarlane et al., 1999; Meloy, 1998; Melton, 2007; Mullen et al., 2000; Spitzberg, 2002).

There is limited knowledge of the nature of stalking in Spain, due to a lack of antistalking laws and a dearth of studies on the subject. Nonetheless, recent data show that 11% of Spanish women in a community sample experienced stalking since the age of 15, with 3% having been stalked over the last 12 months (European Union Agency for Fundamental Rights [FRA], 2014). This empirical evidence coincides with the approval of the first bill criminalizing stalking in Spain in 2015 (article 172ter of the Criminal Code). However, this bill does not specifically address partner violence. Accordingly, the overall goal of the present study is to expand on previous data on partner stalking in Spain and to discuss the potential implications of criminalizing stalking on partner violence cases.

The link between stalking and partner violence is complex. In violent relationships, stalking functions as a surveillance tool for coercive control dynamics (Stark, 2007). However, current literature also emphasizes that stalking is a separate dynamic beyond coercive control that includes a heightened level of intrusiveness, manifested as multiple unwanted approaches or communications (Logan & Walker, 2009). One potential outcome of increased intrusiveness is physical violence. Not only do intimate stalkers present with higher rates of violence than non-intimate stalkers (26%-76.2% vs. 8%-37%; Bjorklund, Hakkanen-Nyholm, Sheridan, & Roberts, 2010; Harmon, Rosner, & Owens, 1998; Mohandie, Meloy, McGowan, & Williams, 2006; Palarea, Zona, & Langhinrichsen-Rohling, 1999; Purcell, Pathe, & Mullen, 2002), but they also perpetrate more severe forms violence (70% former intimates vs. 28% acquaintances vs. 25% strangers; Farnham, James, & Cantrell, 2000). Specifically, stalking appears to precede lethal IPV, which is defined as any type of aggressive behavior that might cause a victim's death (e.g., Campbell, Glass, Sharps, Laughon, & Bloom, 2007; Garcia, Soria, & Hurwitz, 2007; Wilson, Johnson, & Daly, 1995).

In the United States, McFarlane et al. (1999) found that victims were stalked prior to their deaths in 85% of the cases and noted further that stalking was a good discriminating factor between lethal and less severe forms of IPV (i.e., slapping, hitting, pushing, or struggling; 68% vs. 51%; McFarlane et al., 2002). Campbell and her colleagues (2003) conducted a comprehensive analysis of behavioral benchmarks for lethal violence in their validation of the Danger Assessment protocol. For example, the use of a weapon brought to the crime scene and the articulation of death threats increased the likelihood of victims' death by 15 to 20 times, while expressions of jealousy, attempts to choke, and forced sex increased the risk of death by 10 times. Although Campbell et al.'s (2003) study did not include stalking, per se, the expression of threats and the need to bring a weapon to threaten or attack the victim often occur during stalking femicide (see Meloy, 1992; Schlesinger, 2004).

In sum, cross-cultural data converge to suggest that stalking is related to IPV and seems to be associated with lethal violence. In Spain, preliminary data show similar findings. Stalking by ex-intimates occurs in 3.7% of the Spanish women (Mur-Petit, 2014) and in 40% of a sample of femicide victims (Soria-Verde, 2005). Stalking has also started to gain relevance in the legal context (see Villacampa-Estiarde, 2009), but at present, the first specific law in domestic violence, the *Organic Law 1/2004 of December the 28 of integral protective measures against gender violence*, criminalizes only stalking dynamics that involve a repetition of past IPV or that incorporate threats, coercion, and violation of protection orders. The main disadvantage to this legal approach is that stalking can only be identified if it meets either the repetitiveness (i.e., continuation of past IPV) or the fear (i.e., assessing underlying motivation of stalking as intimidating) criterion. These criteria are especially problematic for lethal violence cases in which stalking is prevalent but there has not been past or detected IPV. In fact, the majority of Spanish femicide victims did not report prior IPV to authorities (64%-80%; 2005-2011; Observatorio contra la Violencia Domestica y de Genero, 2011). Evidence suggests that prior violence may be underreported, and some studies suggest that, on occasion, stalking may not be perceived as life threatening (see Rodriguez- Menes, Puig, & Sobrino, 2014), as Spanish women rarely inform authorities about the most severe form of partner violence and stalking (24% and 26%; FRA, 2014).

At the end of 2012, to overcome the limitations of the Organic Law 1/2004, the Spanish government proposed a new bill that was approved in 2015. The article 172ter of the Criminal Code of 1995 is the first explicit attempt to prosecute stalking without needing to consider the fear or repetitiveness stipulation. That is, this bill criminalizes stalking behavior, which might or might not be a continuation of prior partner violence and might be driven by a need other than to intimidate the victim. In this bill, stalking is tentatively described, from a behavioral perspective, as the sum of isolated behaviors that occur repeatedly with the aim of physically approaching the victim, communicating with the victim using any available means, stealing personal information, assaulting victims' properties, restricting victims' freedom, or engaging in any other activity considered analogous to the aforementioned behaviors. These behaviors may or may not cause fear or distress but need to provoke some disturbance of the victims' lives.

To date, this bill is in its initial stages of implementation, and therefore no information is available about its potential usefulness. However, this bill mirrors an interesting debate that has been ongoing in scientific literature. Is stalking a separate dynamic from partner violence (as suggested by the rubric of the proposed bill, article 172ter) or is it exclusively a part of coercive control within partner violence dynamics (as seems to be implied in Organic Law 1/2004)? Do we need to look at stalking behavioral strategies to determine the risk of physical violence? For example, is stalking that serves to intimidate equally dangerous to the victims (Organic Law 1/2004) as any other stalking behavioral strategy (article 172ter)? Should stalkers' behavioral strategies be considered for deterring violence?

To answer these questions, this exploratory study discusses theories of stalking that are central to understanding the link between partner stalking and partner

violence, with a particular focus on describing how stalking behaviors could appear concurrently with violence.

Research typically focuses on two aspects of stalking dynamics: single behaviors and clusters of behavioral strategies that have different themes (McEwan, Pathe, James, & Ogloff, 2011). Studies that focus on the link between isolated stalking behaviors and violence found that physical approaches (McEwan, Mullen, MacKenzie, & Ogloff, 2009; Palarea et al., 1999) with weapons (Mohandie et al., 2006), as well as spying and following (McFarlane et al., 2002), predicted physical violence. Although intuitive, these findings offer little information for victims' protection. However, clusters of behavioral stalking strategies (Spitzberg & Cupach, 2007) provided additional information about the dynamic nature of stalking, which evolves based on stalkers' goals, victims' reactions, and external contingencies (e.g., law enforcement interventions, protection orders, etc.). For example, a victim will react significantly differently to an ex-partner who approaches with reported coercive statements than to an ex-partner with a romantic argument.

Spitzberg's (2002) meta-analysis of 103 studies and Spitzberg and Cupach's (2007) meta-analysis of 175 studies are the most extensive reviews and descriptions of stalking behavior. These authors grouped complex stalking strategies into six types of clusters:

1. Intimacy-seeking (i.e., aiming at gaining intimacy; 37.6%), which is similar to the desire to reconstitute the relationship by engaging in behaviors such as calling, sending messages, face-to-face contacts, coaxing, and making sexual advances.
2. Pursuit and control (54.14%), which refers to behaviors aiming at controlling and watching the victim, such as surveillance, lying in wait, drive-bys, and pursuit.
3. Invasion (24.12%), which describes trespassing, invasion of property, and any illegal access to personal information, which intends to intrude in the target's life in a more overt and aggressive manner.
4. Intimidation (27.51%), which involves verbal or non-verbal threatening behavior that can be extended to different settings or use different means to harass the victims to induce fear and submission.
5. Coercion (19.67%), which includes behaviors designed to limit victims' freedom by using extortion, kidnapping, or physical force.
6. Stalking by proxy (54.14%), which involves the use of third parties to stalk victims.

Finally, Spitzberg created a seventh cluster, which specified a link between stalking and violence. This cluster includes violence in general, combining violence with or without weapons aimed at either the victim or property (19.31%). However, Spitzberg did not explain why some stalking behaviors led to violence, whereas others did not. Further differentiation of the aim of violence (i.e., person vs. property) might add additional information about stalking dynamics.

Some studies have analyzed what particular stalking behavioral strategies seem to precede violence (Burgess, Harner, Baker, Hatman, & Lole, 2001; Harmon et al., 1998; McEwan et al., 2009; Mullen et al., 2000). One explanation is that stalking is a controlling dynamic that escalates in intensity to avoid abandonment after the dissolution of the relationship (Brewster, 2003; Mechanic, Weaver, & Resick, 2000; Melton, 2007; Tanha, Beck, Figueredo, & Raghavan, 2010). Stalking starts with the apparent verbal claim of reinstating the relationship with the victim by pleading, coaxing, sending gifts, or declaring love (e.g., Brewster, 2003), and if these tactics fail, stalking intensifies to include intimidation, which is the direct precursor of violence (Roberts, 2005). Intimidating stalking behaviors are a benchmark for the prediction of violence. This explanation is particularly sound for describing stalking trajectories, but it does not consider the impact of other forms of violence (e.g., property violence) and implies that stalking only leads to violence through prior intimidation. This explanation appears to parallel the logic of the Organic Law 1/2004.

The second explanation for stalking violence is that all stalking behavior is a form of targeted violence (see Borum, Fein, Vossekuil, & Berglund, 1999)—a planned process in which offenders target and attack a preselected victim and/or their related properties (Burgess et al., 1997). For example, Burgess et al. (2001) concluded that stalking behavioral strategies that aim at renewing a relationship with the victim transition to violent confrontations when offenders' unwanted romantic face-to-face approaches are rejected, which is particularly true if rejection is interpreted as unfair or humiliating. In contrast, stalking behavioral strategies that seek to intimidate or coerce the victim will end in violence when the stalker fixates on the victim to the point of escalating behavior from unwanted hang up calls, to the use of physical violence to property, and finally, to aggression toward the victim. Thus, this second explanation highlights more than one possible pathway from stalking to violence, whereas the first explanation identifies only intimidation/vengeance as the primary behavioral strategy that immediately precedes violence. Specifically, this second explanation suggests that both romantic overtures and revenge lead to violence, which implies that a different form of violence, property assaults, might be used to indirectly damage the victim. This second explanation has also limited empirical support and provides little by way of explaining on how the different motivations escalate; yet this explanation is conceptually similar to the proposed bill article 172ter of the Criminal Code. Testing the two competing explanations may be a good first step toward providing information for effective legal development of anti-stalking laws.

In sum, current research trends analyze the specific link between stalking and partner violence from a behavioral approach that considers not only raw behaviors but also more complex and dynamic behavioral strategies. This approach to stalking research seems relevant to the case of Spanish laws, as there is a tension between criminalizing stalking behaviors with an underlying threatening coercive behavioral strategy (Organic Law 1/2004) versus criminalizing any type of stalking behaviors (article 172ter). Therefore, we propose describing stalking behavioral strategies and their potential concurrence with violence with the ultimate goal of assisting in the further development of the proposed bill article 172ter.

The aims of the present study are as follows:

- Aim 1:** To describe descriptive statistics on relevant offender characteristics.
- Aim 2:** To describe preliminary rates of stalking behaviors and to classify stalking cases that fall under each specific Spitzberg's behavioral stalking clusters (i.e., intimacy-seeking, persecution/control, invasion, intimidation, and coercion).
- Aim 3:** To examine the concurrence of violent confrontations (physical and/or property violence) and Spitzberg's behavioral stalking clusters, using a cluster analysis to examine three types of potential outcomes—stalking with violent confrontations, violent confrontations without stalking, and stalking without violent confrontations.
- Aim 4:** To analyze the specific instances where violent confrontations (physical and/or property violence) were concurrent with stalking. Specifically, using a series of binary logistic regressions, this study tests for which of the Spitzberg's behavioral stalking clusters (i.e., intimacy-seeking, persecution/intrusion, invasion, intimidation, and coercion) are associated with violent confrontation behaviors (lethal violence such as bringing a weapon to the crime scene to attack the victim; non-lethal violent behaviors such as hitting, slapping, pushing, or struggling; and property assaults).

Method

Participants

A sample of 278 (37.72%) court cases of partner violence was extracted from a total of 737 cases tried by the 20th Division of the Criminal Provincial Court of Barcelona in 2007. This particular Criminal Provincial Court prosecutes all family violence cases in the province of Barcelona, which includes partner violence cases and cases of violence against parents, siblings, children, and other members of the extended family.

This final sample of 278 (out of 737) court cases, which included misdemeanors and felonies, was selected according to four criteria. First, we collected only the cases that involved violence between current or former partners and excluded any other instance of family violence. Second, these cases were closed with a final guilty verdict. (Under the Spanish Criminal Laws, criminal acts need to be substantially supported by medical records, police reports, witnesses' testimony, and victims and offenders' statements. Although the factual purity of legal accounts is uncertain, the law interprets these accounts as being close enough to pure facts to warrant convictions of the defendants. If an offender is acquitted, the law must find that there is not enough evidence to prove the occurrence of a criminal act or that the defendant engaged in any illegal activity. If a case is dismissed, there is not enough evidence to try the case. Thus, this sample did not include acquitted or dismissed cases.) Third, the victims had to survive the assault so that they could provide a statement of the criminal act and the stalkers' behavioral strategies (e.g., stalkers approached stating that they wanted to renew the relationship, threatened the victim, or followed her, etc.). Finally, we only included cases that contained enough information to provide a complete narrative

on how the criminal act unfolded from preoffense to postoffense behavior. For this reason, case file was included only if it contained (a) factual statements made by judges; (b) declarations by victims and offenders, if different from those reported by judges; and (c) medical and psychological reports.

Following these criteria, 459 (62.28%) of the 737 cases were rejected for not meeting the inclusion criteria: 9.36% ($n = 69$) of the cases were related to family violence but not IPV; 3.53% ($n = 26$) of the cases ended with the victim and the offender reconciling despite an active protection order; 29.17% ($n = 215$) of the defendants were acquitted; 1.22% ($n = 9$) of the cases were dismissed by the judges; and 19% ($n = 140$) of the cases did not contain enough information for coding.

Procedure

The 20th Division of Criminal Provincial Court of Barcelona granted special permission to access the sample. Identifying information was omitted from the data, pursuant to the Personal Data Protection Act (Organic Law 19/1995) and for ethical reasons. Furthermore, only cases with a final verdict were included. Data were collected from two different file sources: The Criminal Provincial Court archives and a restricted database of the Judicial Documentation Center, CENDOJ (Centro de Documentacion Judicial). These data were then coded using a codebook created for this purpose.

Instrument and Coding

The coding scheme developed for this study was based on previous work on partner violence (Campbell et al., 2007) and stalking risk assessment (McFarlane et al., 2002; Palarea et al., 1999). The study codebook consisted of 28 dichotomous items grouped into four different areas (see the appendix): crime variables, which contained 3 items; victim and offender demographics, which contained 5 variables; stalking, which contained 12 variables; and physical violence and confrontation, which contained 8 variables. After coding by the first author, interrater reliability was assessed to evaluate the internal consistency of coded items. Two independent raters coded a subsample of 25% ($n = 70$ out of 278) of the cases in the final sample. The kappa index for the 28 variables ranged from .63 to 1.00. The kappa index in our subsample of cases was sensitive to the impact of variables with low frequencies (<5%). Therefore, some variables show complete agreement ($\kappa = 1.00$), and others with slight disagreement reflect a significant decrease in the final score ($\kappa < .70$; see the appendix for a detailed list of variables and kappa coefficients).

Coding criteria for stalking. Stalking behavior was coded in a two-step process. Each stalking behavior is coded, as explained below, and then each behavior was assigned to a cluster of stalking behavioral strategies. These general clusters of stalking behavioral strategies are our units of analysis.

Stalking is operationalized according to the preliminary characteristics from the proposed bill article 172 of the Criminal Code and the aspects of the Organic Law 1/2004 of December 28, which are also consistent with the definitions offered

in the current stalking literature (Coleman, 1997; Cupach & Spitzberg, 1998; Douglas et al., 2006; Meloy, 1998; Melton, 2000, 2007; Mullen et al., 2000). Behaviors coded as stalking needed to follow three indicators: First, stalking tactics need to be part of intrusive dynamics such as physically approaching victims, persecuting victims, communicating with victims using any available means (e.g., verbal, written, and electronic), stealing personal information, assaulting victims' properties/vandalism, restricting victims' freedom, or intimidation. Second, victims or third parties (i.e., family members, law enforcement, or witnesses) needed to be sufficiently concerned by these behaviors that they sought help; to wit, intervention by the criminal justice system was needed for victim protection. While this criterion is strict, it avoids conflating actual courtship with stalking. Finally, no requirement for a minimum number of episodes was specified for incidents to qualify as stalking. The kappa index in deciding whether a case involved stalking was .94, indicating a high level of agreement.

The authors classified the stalking behaviors into seven items reflecting two types of written communications, two types of verbal communications, physical approach, and two types of surveillance activities (see the appendix).

A second round of coding was then conducted to assess stalking behavioral strategies. These strategies were coded by classifying these seven behavioral items into five of Spitzberg's (2002) seven stalking clusters: (a) intimacy-seeking, (b) pursuit/control, (c) invasion, (d) intimidation, and (e) coercion. Stalking by proxy was not included because the offenders in such cases are not the current partners or former partners of the victim; the aggression cluster was not included because in this study, it is measured as the outcome of stalking. Classifying stalking behaviors into Spitzberg's clusters was made following his exact list of content areas and behaviors within each of the five aforementioned areas. Thus, the authors identified a particular stalking behavior and inferred the general behavioral strategy behind the offenders' behavioral repertoire based on the information in the file, which was corroborated by multiple sources (i.e., victims' statements, law enforcement investigations, judges' verdicts, and sometimes offenders' statements). More than one behavioral strategy can be used in any case, as the stalker could shift in behavior within a stalking episode (e.g., from romantic advances to expressions of intense intimidation and anger).

Criteria for coding minor versus severe violence. Coders discriminated between minor to moderate violence (e.g., hitting/pushing) versus severe/near lethal violence (e.g., those instances involving use of weapons, stabbing, or burning), defined as those actions in which victims were at risk of death (Campbell et al., 2007; Garcia et al., 2007; Wilson et al., 1995). Thus, coders determined the severity of violence based on its *potential* for causing death rather than the final outcome of the aggression (e.g., victim's lethally injured).

Method Limitations

In addition to the limitations of the information contained in the court cases, the current study only analyzes the stalking behaviors that have been reported by the victims, law enforcement, or witnesses. While these behaviors offer a preliminary understanding of behavioral strategies that are visible and interfering with

Table 1. Crime Variables and Offenders' Demographic Information.

	Non-stalking cases (<i>n</i> = 175)		Stalking cases (<i>n</i> = 103)		Total (<i>N</i> = 278)	
	<i>n</i>	%	<i>n</i>	%	<i>N</i>	%
Crime variables						
Prior partner violence convictions	13	7.43	46	44.66	59	21.22
Protection order	8	4.57	45	43.69	53	19.07
Violation of protective orders	3	1.71	39	37.86	42	15.11
Offender demographics						
Gender						
Male	156	89.14	97	94.18	253	91
Female	19	10.86	6	5.82	25	9
Relationship status						
Current partner	129	73.71	36	34.95	167	59.35
Ex-partner	46	26.29	67	65.05	111	40.65
Children witness the assault	34	19.43	9	8.74	43	15.47
Psychopathological disorder	6	3.43	3	2.91	9	3.24
Substance abuse	14	8	3	2.91	17	6.12

victims' lives, the current study is limited to providing a holistic view of partner stalking. Some stalking behavior might not have been detected, and some additional stalking behaviors might have not been reported. In addition, the current study is limited in providing longitudinal trajectories of stalking dynamics, as it focuses on describing behavioral strategies during isolated stalking episodes and their potential concurrence with physical and property violence. Percentages of offenders with prior convictions for attacking the same victim are provided as well as percentages of offenders that had violated prior restraining and protection orders. Rather than offer information about violent trajectories, these percentages help identify the cases in which prior legal intervention was ineffective. Finally, this study does not provide follow-up data that describe whether offenders continued with their violent behavior or how stalking evolved over time, because these cases could not be traced in the online system, CENDOJ, where data were collected.

Results

Aim 1: Descriptive Statistics on Relevant Offender Characteristics

First, as can be seen in Table 1, the majority of the offenders in our sample of 278 court cases of partner violence were males (91%, *n* = 253) aged 18 years and above and were involved in current relationships with the victims (59.35%, *n* = 167). Only a minority of offenders had prior partner violence convictions (21.22%, *n* = 59).

Table 2. Offenders' Physical Violence and Violent Outcomes.

	Non-stalking cases (<i>n</i> = 175)		Stalking cases (<i>n</i> = 103)		Total (<i>N</i> = 278)	
	<i>n</i>	%	<i>n</i>	%	<i>N</i>	%
Physical violence strategies	37	35.92	205	73.74		
Hitting/pushing/struggling	164	93.71	30	29.13	194	69.78
Stabbing/cutting	11	6.29	4	3.88	15	5.4
Burning/arson	2	1.14	4	3.88	6	2.16
Use of weapons					43	15.5
Weapons from crime scene	25	14.29	1	0.97	26	9.35
Weapons brought to crime scene	2	1.14	15	14.56	17	6.11
Violent confrontation outcome						
Victim injured	158	90.29	25	24.27	183	65.83
Property assault	8	4.57	13	12.62	21	7.55
Location ^a						
Public place	52	29.71	19	51.35	71	33.49
Private place	123	70.29	18	45.65	141	66.51

a. Stalking episodes with no attempted physical approach (*n* = 66) were not coded. The sample size for this variable is 212 cases.

Most of the cases in our sample involved physical violence (73.7%, *n* = 205) that injured victims (65.83%, *n* = 183) or damaged property (7.55%, *n* = 21). Hitting, pushing, and/or struggling appeared to be the preferred method of attack (69.78%, *n* = 194). On fewer occasions, offenders used weapons (15.5%, *n* = 43), which were either available at the crime scene (9.35%, *n* = 26) or transported by the offender (6.11%, *n* = 17). Finally, 7.55% (*n* = 21) of the offenders damaged victims' property. The majority of these confrontations occurred in private places (e.g., home; 66.51%, *n* = 141; see Table 2).

Aim 2: Preliminary Rates of Stalking Behaviors That Fall Under Spitzberg's Classification

Next, we explored the overall incidence of stalking in our sample of partner violence cases (see Table 3). Of the 278 cases, 62.95% (*n* = 175) were assaults against an intimate or ex-intimate partner without stalking, and 37.05% (*n* = 103) of the cases were episodes that incorporated stalking behaviors. Offenders who engaged in stalking behavior (*n* = 103) were males (94.18%, *n* = 97) who had a past relationship with the victim (65.05%, *n* = 67); a little less than half had prior partner violence convictions for injuring an intimate (44.66%, *n* = 44). More than a third violated protection orders that restrict their contact with the victims (37.86%, *n* = 39; see Table 1).

Of these stalking cases (*N* = 103, 100%), 35.92% (*n* = 37) involved violence, which was physically directed at either the victim (24.27%, *n* = 25) or her

Table 3. Stalkers' Behaviors and/or Behavioral Strategy Clusters ($N = 103$).

Stalking behavior	Stalking cases	
	<i>n</i>	%
Behaviors		
Written communications	14	13.59
Letters sent	3	2.91
Electronic communications	12	11.65
Verbal communications	64	62.14
Public statements	38	36.89
Electronic verbal communications	35	33.98
Physical approach	43	41.74
Surveillance and following	24	23.30
Surveillance	19	18.45
Following	6	5.83
Behavioral strategy clusters		
Intimacy-seeking	25	24.28
Pursuit and control	46	44.66
Intrusion and invasion	21	20.38
Intimidation	62	60.19
Coercion	11	10.68

property (12.62%, $n = 13$) in public places (51.35%, $n = 19$; see Table 2). The majority of the stalkers intimidated their victims (60.19%, $n = 62$) and or engaged in surveillance (44.66%, $n = 46$; see Table 3).

Aim 3: Concurrence of Physical or Property Violence and Spitzberg's Stalking Strategies

We explored Aim 3 regarding the co-occurrence of stalking and violence. A cluster analysis was performed because it allows a simultaneous comparison of different types of cases regarding (a) instances of physical violence not preceded by stalking, (b) stalking not followed by physical violence, and (c) stalking with physical violence. The dichotomous responses to the variables measuring Spitzberg's stalking strategy clusters (five variables) and violent confrontations (seven variables) were subjected to a cluster analysis using Ward's hierarchical agglomerative method with Euclidean distance as a measure of similarity between cases. The resulting dendrogram yielded to two main clusters. These two major clusters compressed several subdivisions. After exploring the data, five clusters were derived as the best possible fit (see Table 4).

Physical violence (no stalking or property violence; Clusters 2 and 3). In Clusters 2 ($n = 22$) and 3 ($n = 139$), there were no instances of stalking behavior. Offenders in both clusters injured their victims, mostly by hitting, pushing, and/or

Table 4. Cluster Analysis Involving Spitzberg's Stalking Strategies and Violent Behaviors.

Variables	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Cluster 5
	(<i>n</i> = 26)	(<i>n</i> = 22)	(<i>n</i> = 139)	(<i>n</i> = 39)	(<i>n</i> = 52)
	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)
Intimacy-seeking	8 (30.8)	0 (0)	1 (0.7)	16 (41)	0 (0)
Pursuit/control	15 (57.7)	0 (0)	3 (2.2)	2 (5.1)	26 (50)
Invasion	8 (30.8)	0 (0)	0 (0)	1 (2.6)	12 (23.1)
Intimidation	22 (84.6)	0 (0)	0 (0)	5 (12.8)	35 (67.3)
Coercion	4 (15.4)	0 (0)	0 (0)	7 (17.9)	0 (0)
Weapons carried to crime scene	14 (53.8)	0 (0)	2 (1.4)	1 (2.6)	0 (0)
Weapons from crime scene	0 (0)	20 (90.9)	1 (0.7)	5 (12.8)	0 (0)
Hitting/pushing/struggling	21 (80.8)	16 (72.7)	139 (100)	17 (43.6)	1 (1.9)
Stabbing/cutting	4 (15.4)	10 (45.5)	0 (0)	1 (2.6)	0 (0)
Burning	4 (15.4)	1 (4.5)	1 (0.7)	0 (0)	0 (0)
Victim injured	19 (73.1)	22 (100)	139 (100)	3 (7.7)	0 (0)
Property assaults	12 (46.2)	1 (4.5)	7 (5)	0 (0)	1 (1.9)

struggling with them (72.7%, *n* = 16 in Cluster 2 and 100%, *n* = 139 in Cluster 3) and very rarely damaged their property (1 out of 22 in Clusters 2 and 7 out of 139 in Cluster 3). The main difference between the two clusters was the use of weapons. Offenders in Cluster 2 attacked their victims with weapons from the crime scene (90.9%, *n* = 20), most commonly with cutting instruments used to stab the victims (45.5%, *n* = 10). Subjects in Cluster 3 very rarely employed weapons from crime scene (0.7%, *n* = 1) or carried to the crime scene (1.4%, *n* = 2).

Stalking (no physical or property violence; Cluster 5). Cluster 5 (*n* = 52) contained stalkers who mainly intimidated their victims (67.3%, *n* = 35) and engaged in pursuit or surveillance activities (50%, *n* = 26; pursuit/control). About a fifth invaded victims' properties (23.1%, *n* = 12). No instances of behaviors aiming at renewing a relationship with the victim or coercing her emerged.

Stalking with physical and property violence (Clusters 1 and 4). Cluster 1 (*n* = 26) presented the greatest concentration in stalking. The majority of the offenders intimidated the victims (84.6%, *n* = 22; intimidation) and tried to gain control over their lives by following them (57.7%, *n* = 15; pursuit/control). Less than a third of the offenders intruded directly in the victims' lives (30.8%, *n* = 8; invasion) and/or tried to regain access to them through romantic gestures (30.8%, *n* = 8; intimacy-seeking). A minority of offenders in this cluster used overt coercive means to make victims comply with their demands (15.4%, *n* = 4; coercion). In contrast with Cluster 1, offenders in Cluster 4 (*n* = 39) presented stalking behaviors mainly to become intimate with the victims (*n* = 16, 42%; intimacy-seeking), or less often to intimidate (12.8%, *n* = 5; intimidation) or coerce (17.9%, *n* = 7; coercion). Offenders in this cluster did not follow or intrude in victims' lives (pursuit/control and invasion).

Cluster 1 ($n = 26$) and Cluster 4 ($n = 39$) also differed in terms of violent outcomes. About half of the stalkers in Cluster 1 approached the victims while carrying their own weapons (53.8%; $n = 14$) and engaged in a wide range of injuring strategies, including hitting, pushing, and struggling (80.8%, $n = 21$); burning (15.4%, $n = 4$); or stabbing (15.4%, $n = 4$). As a result of these strategies, offenders injured the victims (73.1%, $n = 19$) and damaged their properties (46.2%, $n = 12$). In contrast, Cluster 4 ($n = 39$) rarely used weapons, but when they did, those weapons were already available at the crime scene ($n = 5$, 12.8%). These offenders attacked the victim by hitting, pushing, or struggling ($n = 17$, 43.6%), although most were unsuccessful in their attempts to injure (7.7%, $n = 3$). Finally, no instance of property assault occurred in Cluster 4.

Aim 4: Analyze the Specific Instances Where Violent Confrontations (Physical and/or Property Violence) Were Concurrent With Stalking

Next, Aim 4 aimed at testing the clusters where stalking behaviors and violence concurred. Multiple binary logistic regressions tested the significant associations between Spitzberg's five stalking strategy clusters (independent variables: intimacy-seeking, pursuit/control, invasion, intimidation, and coercion) and seven violent confrontation behaviors (dependent variables: cases involving weapons carried to crime scene; weapons from crime scene; hitting, pushing, or struggling; stabbing or cutting, burning, injuries to victims, or damage to property). Criteria for predictors were based on the likelihood of statistic ratio and two indices of goodness of fit: Nagelkerke R^2 and Hosmer–Lemeshow test. Odds ratios (ORs) with 95% confidence intervals (CIs) were used to describe the magnitude of association between the type of stalking behavioral strategies and the physically violent confrontation behaviors.

The results of the multiple logistic regressions are complex and are detailed below. Three stalking behavioral strategies were significantly associated with four of the seven physically violent behaviors (see Table 5). Intimacy-seeking, pursuit/control, and invasion were significantly associated with carrying weapons to the crime scene, stabbing/cutting, burning, and property damage.

In particular, intimacy-seeking was associated with both carrying weapons to the crime scene—overall prediction model of 95%, Hosmer–Lemeshow $\chi^2(3) = 5.38$, $p = .15$, Nagelkerke $R^2 = .37$; OR = 6.33, CI = [1.61, 24.83]—and stabbing/cutting—overall model prediction of 94.6%, Hosmer–Lemeshow $\chi^2(3) = .65$, $p = .88$, Nagelkerke $R^2 = .08$; OR = 4.65, CI = [1.95, 19.76]. Next, pursuit/control was significantly associated with carrying weapons to the crime scene—overall model prediction of 95%, Hosmer–Lemeshow $\chi^2(3) = 5.38$, $p = .15$, Nagelkerke $R^2 = .37$; OR = 4.07, CI = [1.19, 13.83]—and property damage—overall model prediction of 92.8%, Hosmer–Lemeshow $\chi^2(3) = 2.16$, $p = .54$, Nagelkerke $R^2 = .18$; OR = 3.20, CI = [1.10, 9.35]. Finally, invasion was significantly associated with carrying weapons to the crime scene—overall model prediction of 95%, Hosmer–Lemeshow $\chi^2(3) = 5.38$, $p = .15$, Nagelkerke $R^2 = .37$; OR = 9.82, CI = [2.66, 36.21]—burning—overall model prediction of 97.8%, Hosmer–Lemeshow $\chi^2(3) = 2.36$, $p = .50$, Nagelkerke $R^2 = .21$; OR = 6.92, CI = [1.06, 45.12]—and property damage—overall model prediction of 92.8%, Hosmer–Lemeshow $\chi^2(3) = 2.16$, p

Table 5. Multiple Logistic Regression Analysis Predicting Violent Behaviors From Spitzberg's Stalking Strategies ($N = 278$).

Predictors	Weapon carried ^a				Stabbing/cutting ^b				Burning ^c				Property assault ^d			
	B	SE	OR	95% CI	B	SE	OR	95% CI	B	SE	OR	95% CI	B	SE	OR	95% CI
Intimacy	1.85	0.7	6.33**	[1.61, 24.83]	1.54	0.74	4.65*	[1.09, 19.76]	0.08	1.31	1.08	[0.08, 14.03]	-0.24	0.85	0.79	[0.15, 4.17]
Pursuit	1.4	0.63	4.07*	[1.19, 13.83]	-0.13	0.87	0.88	[0.16, 4.86]	0.47	0.99	1.59	[0.23, 11.11]	1.17	0.55	3.20*	[1.10, 9.35]
Invasion	2.29	0.67	9.82**	[2.66, 36.21]	0.25	1.15	1.28	[0.14, 12.08]	1.94	0.96	6.92*	[1.06, 45.12]	1.64	0.59	5.13**	[1.61, 16.25]
Intimidation	0.8	0.62	2.22	[0.66, 7.46]	-1.6	1.08	0.20	[0.02, 1.68]	1.26	1.00	3.53	[0.50, 24.98]	-0.57	0.54	1.77	[0.61, 5.09]
Coercion	0.98	0.98	2.67	[0.39, 18.17]	-19.08	11463.76	0.00	0.000	0.82	1.44	2.26	[0.13, 37.75]	-0.57	1.27	0.56	[0.05, 6.85]

CI = confidence interval; OR = odds ratio.

a. Hosmer-Lemeshow goodness of fit, $\chi^2(3) = 5.38, p = .15$; Nagelkerke $R^2 = .37$; overall model prediction = 95%.

b. Hosmer-Lemeshow, $\chi^2(3) = .65, p = .88$; Nagelkerke $R^2 = .08$; overall model prediction = 94.6%.

c. Hosmer-Lemeshow, $\chi^2(3) = 2.36, p = .50$; Nagelkerke $R^2 = .21$; overall model prediction = 97.8%.

d. Hosmer-Lemeshow, $\chi^2(3) = 2.16, p = .54$; Nagelkerke $R^2 = .18$; overall model prediction = 92.8%.

* $p < .05$; ** $p < .001$

= .54, Nagelkerke R^2 = .18; OR = 5.13, CI = [1.61, 16.25]. Intimidation and coercion were not significantly associated with violence.

Discussion

Consistent with prior international studies (McFarlane et al., 2002; McFarlane et al., 1999; Meloy, 1998; Melton, 2007; Mullen et al., 2000; Spitzberg, 2002), stalking in Spain is more prevalent in our sample of partner violence cases (37%) than in community samples of women (11%; FRA, 2014). Most stalking involved male ex-partners (65%) with higher rates of prior IPV convictions than non-stalkers (45% vs. 7%). Despite the higher rate of prior IPV convictions, 55% of the individuals who engaged in stalking behaviors did not have violent legal antecedents with their partners. One potential explanation is underreporting; community surveys indicate that only 26% of severe stalking was reported to legal authorities (see FRA, 2014).

Legal bias is another factor that might hinder reporting. The Organic Law 1/2004 requires that victims experience fear during the stalking episodes. Given that requirement, overtly intimidatory and controlling stalking behavior might be overrepresented, whereas more subtle forms of stalking might have only been captured partially (e.g., intimacy-seeking). Consistent with the bias of the law, most of the stalking behaviors contemplated in our sample involved intimidation (60%), control (45%), verbal communication (62%), and physical approach (42%). There could be stalking behaviors that fall outside the realm of the law that have not been reported or prosecuted. Victims who know their stalkers well may not experience fear or may minimize their fear, leading to underreporting, or to these behaviors not being prosecuted. Perhaps more importantly, victims might face adverse social and legal reactions if they report fear when no intimidation has occurred (i.e., when victims report intrusive romantic advances but are told that they should be flattered). These social perceptions and this method of criminalization might not only affect reporting of stalking behaviors but may also limit effective management of stalking violence.

Overall, cluster analysis showed that stalkers were heterogeneous in their goals, agendas, and outcomes. More than a third of stalkers engaged in physical violence and/ or property violence (36%), which is consistent with percentages found in intimate stalking literature (26%-76.2%; Bjorklund et al., 2010; Harmon et al., 1998; McEwan et al., 2009; Mohandie et al., 2006; Palarea et al., 1999). When comparing stalkers who physically attacked victims or their properties (Clusters 1 and 4) with stalkers who did not (Cluster 5), cluster analysis revealed that both groups of stalkers were similar in their use of intimidatory, controlling, and intrusive motivations. However, only the stalkers who used physical violence presented concurrent intimacy-seeking and coercive stalking behaviors (Clusters 1 and 4).

One explanation for this may be in how successful the stalkers were in achieving their aim without the use of explicit physical force. According to the theory of coercive control (Beck & Raghavan, 2010; Tanha et al., 2010), stalking behaviors such as surveillance and intimidation are integral to coercive control dynamics, which ultimately subdue victims by inducing enough fear that the abuser does not need to use violence. However, coercive control dynamics could lead

to physical violence or property damage when these stalking tactics fail. Logistic regressions showed that the use of weapons, property damage, and arson were associated with stalking behaviors that resulted from controlling and intruding strategies. Therefore, law enforcement might benefit by using victims' reports of dread, fear, threat, or loss of autonomy not only as markers of stalking success but also as indicators of potentially violent outcomes.

Interestingly, stalkers who engaged in intimacy-seeking and coercive behavior (coercive stalking consists of using physical means to limit the victims' freedom, which differs from coercive control dynamics, through the use of psychological pressure, intimidation, and surveillance) appeared to consistently engage in concurrent violence. The relationship of intimacy, coercion, and violence suggests a pattern of thwarted intimacy that leads to feelings of shame and/or humiliation, which could concurrently develop into physical violence (see Dutton, van Ginkel, & Landolt, 1996; Morrison, 2008). Cluster analysis suggests that stalkers varied in their use of minor forms of violence and of life-threatening violence. Hypothetically, when stalkers used minor forms of violence (e.g., hitting, pushing, and struggling), they might have been effectively deterred, particularly if the assault occurred in a public place (51%) where others could have afforded protection to victims; furthermore, the stalkers might display coercion or emotional blackmail to win back the victims without attempting to injure them (i.e., "bonafide intimacy"; Brewster, 2003; Mechanic et al., 2000; Melton, 2007; Tanha et al., 2010). Logistic regressions indicated that intimacy-seeking stalking behaviors were associated with the use of sharp objects to attack the victims. Therefore, law enforcement might benefit from understanding that stalkers who engage in intimacy-seeking behaviors might seek face-to-face contact with the victims, rather than other means of communication. If not effectively managed, these encounters might develop into life-threatening situations (see Burgess et al., 2001). This evidence also favors the premises of the article 172ter, which contends that all stalking is potentially dangerous.

Conclusion and Future Lines of Research

The current study explores the incidence of stalking in partner violence cases in Spain and suggests that the changes in the criminalization of stalking proposed by the article 172ter would increase the possibilities for victim protection once implemented in 2015. The current Organic Law 1/2004 appears to effectively detect intimidatory and coercive stalking within IPV dynamics, but this law might be limited to protecting victims against stalking dynamics that either do not cause fear or are not committed by a partner previously convicted for IPV against the victim (i.e., fear or repetitiveness criteria). Another related danger of the current Organic Law 1/2004 is that the distorted view of stalking victims as necessarily scared and passive might lead to discrimination against women who are resilient or engage in proactive defensive strategies. Finally, the majority of stalking incidents did not end in violence, but when stalkers attacked their victims, violence appeared associated with control, intrusion, and thwarted intimacy.

Although not appropriate for contemplation by legislative bodies, an accurate understanding of stalking behaviors that are concurrent with violence might improve interventions at a management level. First, stalking appears to have different

goals (e.g., intimidate, coerce, gain access to the victims, etc.) that might not be often recognized by victims or witnesses, which ultimately affects their reporting as well as bystanders' interventions. Sensitization campaigns about the scope of stalking might be a primary intervention to overcome this problem. Second, stalking appears to operate as an ongoing targeted violence dynamic that varies in terms of violent outcomes.

Future studies should aim to uncover the main trajectories from stalking to violence. When violence occurs, the targeted nature of stalking increases the risk for lethal outcomes, as stalkers attack their victims on their own terms, selecting when and how to approach, and with their own weapons. Effective interventions should adjust to stalkers' patterns of approach and devise specific safety plans for the victims, as well as monitoring strategies and timely restriction of stalkers' access to their victims. In light of the current results of this study, future research might benefit from testing whether different stalking behavioral strategies evolved into different patterns of approach and attack. For example, romantic overtures might develop into face-to-face contacts that lead into attacks with sharp objects, whereas pursuit and controlling stalking strategies might lead into escalating forms of violence in which victims' properties are attacked prior to targeting the victim.

To the best of our knowledge, this is one of the first studies of partner stalking in Spain. However, there are several limitations to consider. First, this study is only descriptive in nature, and no conclusion about the predicted validity of stalking with respect to violence can be reached. Second, methodologically, the lack of valid instrumentation to measure stalking behaviors increases the need for further replication to validate this study's taxonomy of stalking behaviors. Similarly, the limited ability to address the correct classification of subjects in a cluster analysis of non-parametric data is another important limitation. Despite these limitations, this study provides sound arguments in favor of the new proposed article 172ter, emphasizes preliminary areas for further research development, and offers some guidance for implementing more effective stalking management strategies.

Appendix

Coding Scheme for Stalking and Physically Violent Confrontation Behaviors.

Variables of the coding scheme	K
Crime variables	
Prior partner violence convictions	0.91
Protection order	0.95
Violation of protection orders	0.90
Victim and offender demographics	
Gender	1.00
Relationship status (partner/ex-partner)	0.77
Children witness the assault	0.94
Psychopathology	0.66
Substance use ^a	1.00

Appendix

Variables of the coding scheme κ

Stalking	0.94
Behaviors	
Unwanted written communications	
Letters	0.66
Electronic communications (i.e., mails, texts, pots, etc.)	0.65
Unwanted verbal communications	
Verbal statements (i.e., toward victim, third parties, publicly)	0.63
Electronic communications (i.e., calls and voicemails)	0.72
Physical approach	0.70
Surveillance and physical following	
Following ^b —	
Surveillance (i.e., lying in wait, drive by, spying, and loitering)	0.90
Behavioral strategy clusters	
Intimacy-seeking ^a	1.00
Pursuit/control	0.90
Invasion ^a	1.00
Intimidation	0.96
Coercion ^a	1.00
Physical violence—confrontations	
Weapons	
Weapons brought to crime scene ^a	1.00
Weapons from the crime scene	0.88
Injuring strategies	
Hitting/pushing/struggling	0.97
Stabbing/cutting ^a	1.00
Burning/arson ^b	—
Outcomes of violent confrontations	
Injure to the victim	0.83
Property damage	0.85
Location of assault (public/private places)	0.66

a. Kappa index is affected by variations in the counting of low frequency variables (<5%).

b. No cases involving physical following or burning. The kappa index could not be extracted.

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