National Domestic and Family Violence Bench Book

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Following, harassing and monitoring - Key Literature

Australia

Anastasia Powell, Nicola Henry, Asher Flynn and Adrian Scott, 'Image-based sexual abuse: The extent, nature, and predictors of perpetration in a community sample of Australian residents' (2019) 92 Computers in Human Behavior 393-402.

Image-Based Sexual Abuse (IBSA) is defined as the non-consensual taking, distributing and/or making of threats to distribute nude or sexual images. IBSA is becoming increasingly criminalised in various jurisdictions worldwide. This article reports on a national online survey that examined the extent, nature and indicators of self-reported IBSA perpetration among a community sample of Australians aged between 16 and 49 years old. 56.7% of the participants were female, whilst 97.5% were non-Aboriginal and 88.3% were heterosexual. Results showed that 11.1% of participants reported having engaged in some form of IBSA perpetration during their lifetime, with men more likely to report IBSA perpetration than women. Participants reported targeting men and women at similar rates and were more likely to report perpetrating against intimate partners or ex-partners, family members and friends than strangers or acquaintances. Participants who were male, lesbian, gay or bi-sexual, disabled, or accepted sexual image-based abuse myths were more likely to engage in IBSA perpetration.

Australian Bureau of Statistics (ABS), *Personal Safety, Australia, 2016*, ABS cat no. 4906.0 (2016).

This release presents information from the Australian Bureau of Statistics' (ABS) 2016 Personal Safety Survey (PSS).

The survey collected detailed information from men and women about their experiences of violence since the age of 18, as well as experiences of current and previous partner violence, stalking, physical and sexual abuse and harassment, abuse before the age of 15, and general feelings of safety.

Stalking was defined in the survey as 'any unwanted contact or attention on more than one occasion that could have caused fear or distress, or multiple types of unwanted contact or behaviour experienced on one occasion only that could have caused fear or distress'. Overall, women were more likely than men to have experienced stalking, with approximately 17% of women (1.6 million), and 6.5% of men (587,000), reporting an experience of stalking since age 15 (see Table 34). '

'Women were more likely to have experienced an episode of stalking by someone they knew than by a stranger', with more than three quarters of female victims knowing their stalker. Further, women were also significantly more likely to be stalked by a man than by a woman (see Table 35). This section also contains

information regarding whether victims perceived their experiences of stalking as a crime, and whether they reported the episode to the police (see Table 35).

Australian Government Office of the eSafety Commissioner, *Collecting evidence*.

This website by the Office of the eSafety Commissioner provides information about technology abuse and the importance of collecting evidence when reporting the abuse or threatening behaviour. It emphasises that evidence should only be collected if it is safe to do so. Evidence may be collected by taking screen shots of abusive posts, texts or emails or by saving or copying voicemail messages. The website directs the reader to additional links on how to record stalking and how a person under 18 years of age must follow certain steps for reporting offensive or illegal content.

Bagshaw, Dale, et al, 'Reshaping Responses to Domestic Violence' (Final Report, University of South Australia and Partnerships Against Domestic Violence, April 2000).

This Australian research used a variety of methods including an anonymous 'phone-in' and focus groups. 102 women who were victims/survivors of domestic violence participated in the phone-in. According to the study authors, some of the callers reported 'intense levels of surveillance, which leave women without autonomy.' This experience was exacerbated for women living in rural and remote areas, especially on isolated properties. Strategies of surveillance included (p24):

> 'not allowing the woman to obtain a driver's licence or paid employment,
> constant telephone calls to check whereabouts, timing the distances to be travelled (for example, home from work) and/or
> preventing the woman from closing the toilet door.'

The writers commented that callers reported that 'the law was not seen to take threats seriously and placed an unreasonable onus on the victim to provide dates or other evidence of violence, requiring a level of documentation that is generally impossible for a woman living in a state of constant surveillance' (p46).

Douglas, Heather, Bridget Harris & Molly Dragiewicz, Technology-facilitated Domestic and Family Violence: Women's Experiences, (2019) 59(3) *The British Journal of Criminology 551-70*

This article analyses data drawn from interviews undertaken with 55 domestic and family violence survivors in Brisbane, and outlines survivors' experiences of technology-facilitated domestic and family violence. During the interviews, participants were asked about their experiences of DFV and their engagement with legal processes. Participants provided many examples of technology being used by perpetrators to isolate, stalk and emotionally abuse them and to create a sense of the perpetrator being omnipresent. Although several women used technology to document the abuse, to improve their safety and to stop the abuse, some also pointed to their lack of understanding or skill with respect to technology compared to their abuser. The survivor accounts demonstrate the need to study the context, meaning, motives and outcomes of technology-facilitated activity.

Hand, Tammy, Donna Chung and Margaret Peters, *'The Use of Information and Communication Technologies to Coerce and Control in Domestic Violence and Following Separation'* **(2009).**

This paper discusses the use of ICTs (information and communication technologies) in situations of domestic violence or intimate partner violence. The term ICTs includes various forms of technology, such as computers and the associated use of the Internet, mobile phones and other communication devices, including global positioning systems (GPS) or satellite navigators, digital cameras and other recording equipment. The positive and negative aspects to the increased availability of ICTs are canvassed in this paper. Gendered language is used to reflect the fact that the majority of perpetrators of domestic violence are men, though it is acknowledged that both men and women (including those in same-sex relationships) may use ICTs to abuse, control and monitor current and former intimate partners.

The paper discusses perpetrators' abuse of ICTs in the context of domestic violence (both during a relationship and following separation), including details of the methods employed. It also discusses the phenomenon of cyberstalking and digital voyeurism. The paper then considers the use of the Internet by women survivors of domestic violence and domestic violence services.

The paper concludes by considering some implications of the use of ICTs by domestic violence perpetrators, for services' practice, legislation and policy, and research. Tips for safety planning with women follow in an appendix.

Harris, Anita, Nikki Honey, Kim Webster, Kristen Diemer and Violeta Politoff, *'Young Australians' attitudes to violence against women – Findings from the 2013 National Community Attitudes towards Violence Against Women Survey for respondents 16-24 years'* **(2015).**

The minimisation of technology-facilitated stalking and abuse is reflected in the Australian 2013 National Community Attitudes towards Violence Against Women Survey. In this survey more than 17,500 telephone interviews were undertaken to compare the attitudes of 16-24 year olds to 35-64 years olds. The study

found the majority of young people agreed that tracking a female partner by electronic means without consent was serious. Youth males rated it at an overall seriousness level of 80% while youth females rated it at 87%. This is compared to adult men who rated it at 81% with their female counterparts rating it at 90%. The study also found 52% of youth males and 40% of youth females thought non-consensual electronic tracking of a female partner was acceptable to some degree, compared to 41% of adult males and 29% of adult females.

Henry, Nicola, Anastasia Powell and Asher Flynn, *Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse - A Summary Report* **(RMIT University, 2017).**

This summary report presents the results of a national (Australian) online survey of 4,274 participants, 2,406 of which were female (56%) and 1,868 male (44%).Participants ranged in age from 16 to 49, with an average age of 34 years. In addition, 3,764 (88%) participants identified as heterosexual and 510 (12%) identified as lesbian, gay or bisexual (hereafter, LGB). Of those identifying as LGB, 244 identified as female (48%), and 266 (52%) identified as male. Key findings included:

- 1 in 5 Australians have experienced image-based abuse
- Victims of image-based abuse experience high levels of psychological distress
- Women and men are equally likely to report being a victim
- Perpetrators of image-based abuse are most likely to be male, and known to the victim
- Men and young adults are more likely to voluntarily share a nude or sexual image of themselves
- Women are more likely than men to fear for their safety due to image-based abuse
- Abuse risk is higher for those who share sexual selfies, but they are not the only victims
- 1 in 2 Australians with a disability report being a victim of image-based abuse
- 1 in 2 Indigenous Australians report image-based abuse victimisation
- Image-based abuse victimisation is higher for lesbian, gay and bisexual Australians
- Young people aged 16 to 29 years are also at higher risk of image-based abuse
- 4 in 5 Australians agree it should be a crime to share sexual or nude images without permission

Henry, Nicola, Asher Flynn and Anastasia Powell, *Image-based sexual abuse: Victims and perpetrators* **(Australian Institute of Criminology Report No. 572 March 2019).**

Report abstract:

Image-based sexual abuse (IBSA) refers to the non-consensual creation, distribution or threatened distribution of nude or sexual images. This research examines the prevalence, nature and impacts of IBSA victimisation and perpetration in Australia. This form of abuse was found to be relatively common among respondents surveyed and to disproportionately affect Aboriginal and Torres Strait Islander people, people

with a disability, homosexual and bisexual people and young people. The nature of victimisation and perpetration was found to differ by gender, with males more likely to perpetrate IBSA, and females more likely to be victimised by a partner or ex-partner.

NSW Domestic Violence Death Review Team, *Report 2017-2019*, **2020, NSW Government.**

Includes detail on deaths referred to the Coroner, drawing on both data analysis and in-depth case analyses. Useful information about how domestic violence-related homicides and suicides are recorded in NSW.

Powell, Anastasia and Nicola Henry, *'Digital Harassment and Abuse of Adult Australians – A Summary Report'* (2015).

Researchers at RMIT University and La Trobe University examined the extent, nature and impacts of digital harassment and abuse, as well as technology-facilitated sexual violence and harassment. 3000 Australian adults (aged 18 to 54) were surveyed about their experiences of these forms of abuse. Key findings include:

> Overall, men and women were just as likely to report experiencing digital harassment and abuse
> Women were more likely to report experiencing sexual harassment
> Young adults aged 18 to 24 were more likely than any other age groups to experience digital harassment and abuse
> Non-heterosexual identifying adults were significantly more likely to report being the target of both gender and sexuality based harassment
> 1 in 10 Australians reported that someone had posted online or sent onto others a nude or semi-nude image of them without their permission
> Women overwhelmingly experienced digital harassment and abuse from male perpetrators
> Men experienced digital harassment and abuse equally from males and females
> Women were significantly more likely than men to be 'very or extremely upset' by the digital harassment and abuse they experienced
> More women than men reported that they told the person to stop, changed their online details or profile settings, left the site or turned off their device, as a result of their experience

Sun, Charissa, 'Technology-Facilitated Stalking and Abuse: Putting Our Legal Framework to the Test' (2015) (June) *The Law Society Journal of New South Wales* 78.

This article reviews the NSW legal response to what is referred to as 'technology assisted stalking and abuse.' It includes helpful examples of this behaviour:

> making numerous and unwanted calls to a person's mobile phone;

> sending threatening and/or abusive messages (text messaging, Whatsapp, Snapchat, facebook messaging, Twitter);

> hacking into a person's email or social media account to discover information about them;

> hacking into a person's email or social media account to impersonate them and send abusive messages to family/friends of that person;

> using surveillance software and devices to spy on or stalk a person (eg placing a GPS tracker on a person's car, placing a video camera in and around a person's home to monitor both the person and other people who may come to the house); and

> sharing, or threatening to share, intimate pictures of a person.

Woodlock, Delanie, *Technology-facilitated Stalking: Findings and Recommendations from the SmartSafe Project* (Domestic Violence Resource Centre Victoria, 2013).

This research was funded by Legal Aid Victoria and undertaken by the Domestic Violence Resource Centre in Victoria. It draws on interviews and focus groups with 152 domestic violence workers and 46 victims/survivors. The central research question was: "How do mobile technologies present further opportunities for the perpetration of stalking and domestic violence against women?" Findings from the study include:

> Perpetrators are using mobile technologies to abuse and harass women easily, instantaneously and at a distance

> Perpetrators are using technology to create a sense of omnipresence in women's lives through, for example, the use of GPS tracking on smartphones, and monitoring women's social media accounts

> Mobile technologies are being used as an easy way for perpetrators to punish and humiliate women

> A wide variety of technology is being used in partner stalking, including text messaging, social media, GPS, and photo and video technologies

> Women report that perpetrators are using mobile technologies to control and monitor them from a distance

> Technology is often used in stalking both during the relationship and after separation

> Technology is used by perpetrators to humiliate and publically shame women, often in sexualised ways.

> The use of technology in stalking has a significant impact on women's mental and physical wellbeing, their day to day routines, employment, parenting and relationships

> Women who have experienced technology-facilitated stalking have often experienced other forms of domestic violence including emotional, financial and sexual abuse.

Woodlock, Delanie, 'The Abuse of Technology in Domestic Violence and Stalking' (2017) 23(5) Violence Against Women 584-602.

This study discusses the increasing prevalence of technology in domestic violence and stalking (p 585). The results demonstrate that technology, including phones, computers, tablets, and social media, is frequently used in intimate partner violence (p 590). The use of technology creates an impression of the perpetrator's omnipresence, for example through constant text messages or phone calls (pp 592, 598), and can isolate (pp 594-6, 598), humiliate and punish the victim (pp 596-7, 599). A particular threat of technology is the sharing of sexualised content online to humiliate victims (p 599).

Women's Health East, *Women online: The intersection of technology, gender and sexism* **(Melbourne: Women's Health East, 2018).**

The paper examines the intersection of technology, gender and sexism, as well as the prevalence and impacts of cyber violence against women and girls. The authors describe the key drivers of violence, such as gender inequality, and how these interact with the online platforms to create cyber violence. The paper explores 'life online' esp, pp8-12.

Women's Legal Service NSW, Domestic Violence Resource Centre Victoria and WESNET, *ReCharge: Women's Technology Safety, Legal Resources, Research & Training***, National study findings 2015.**

This study affirms and builds on the findings of the 2013 SmartSafe study (Woodlock above). 546 domestic violence sector practitioners working across Victoria and New South Wales participated in the online survey. 98% reported that they had clients who had experienced technology-facilitated abuse and stalking, the most commonly used technology being text messages followed by Facebook. While GPS tracking via smartphone apps was less commonly used, it reportedly caused enormous fear. The study identifies groups particularly vulnerable to this form of abuse (CALD and Indigenous women; women with disabilities). The majority of practitioners believed that the laws relating to technology-facilitated abuse and stalking were adequate, but not used fully or effectively by police and magistrates to assist victims.

International

Backes, Bethany, Lisa Fedina and Jennifer Holmes, The Criminal Justice System Response to Intimate Partner Stalking: a Systematic Review of Quantitative and Qualitative Research, (2020) *Journal of Family Violence.*

This international study assesses the range of criminal justice responses to intimate partner stalking (IPS) victimisation and the extent to which these responses are successful in promoting survivor safety, well-being, and justice. The findings identify formal and informal strategies employed by the criminal justice system to address IPS. Successful strategies for mitigating IPS were associated with increased training of law enforcement and prosecution and the granting and enforcement of civil protective orders.

Drouin, Michelle, Jody Ross and Elizabeth Tobin, *Sexting: A new digital vehicle for intimate partner aggression* **(2015) 50** *Computers in Human Behaviour* **197.**

In this study, the authors examined the relationships between sexting coercion, physical sex coercion, intimate partner violence, and mental health and trauma symptoms within a sample of 480 young adult undergraduates (160 men and 320 women). Approximately one fifth of the sample indicated that they had engaged in sexting when they did not want to. Those who had been coerced into sexting had usually been coerced by subtler tactics (e.g., repeated asking and being made to feel obligated) than more severe forms of coercion (e.g., physical threats). Nevertheless, the trauma related to these acts of coercion both at the time they occurred and now (looking back) were greater for sexting coercion than for physical sex coercion. Moreover, women noted significantly more trauma now (looking back) than at the time the events occurred for sexting coercion. Additionally, those who experienced more instances of sexting coercion also endorsed more symptoms of anxiety, depression, and generalized trauma. Finally, sexting coercion was related to both physical sex coercion and intimate partner violence, which suggests that sexting coercion may be a form of intimate partner violence, providing perpetrators with a new, digital route for physical and sexual covictimization.

Katz, E., Nikupeteri, A., & Laitinen, M., ‘When Coercive Control Continues to Harm Children: Post-Separation Fathering, Stalking and Domestic Violence’ **(2020)** *Child Abuse Review*

This article highlights how domestic violence perpetrators can use coercive control against their children after their ex-partner has separated from them. It provides insights into how children experience coercive control post-separation by drawing from two data sets: one from the UK and one from Finland. The data comprised narratives of 29 children and young people aged from 4 to 21 years old. Three overarching themes arose from the data: 1) dangerous fathering that made children frightened and unsafe; 2) ‘admirable’ fathering, where fathers/father figures appeared as ‘caring’, ‘concerned’, ‘indulgent’ and/or ‘vulnerable-victims’; and 3) omnipresent fathering that continually constrained children’s lives. Dangerous fathering made children’s lives frightening, constrained and unpredictable. Admirable fathering was found to be a powerful tool of control when combined with dangerous fathering, because admirable fathering increased father-child emotional bonds and could make children want to see/live with their fathers, whilst dangerous fathering simultaneously made them fearful of him. Admirable fathering was typically aimed at professionals and wider communities, and could occur alongside fathers/father figures stalking, harassing

and/or attacking ex-partners and children when they were not in the public eye. Perpetrators aimed to portray themselves as 'caring', 'concerned', 'indulgent' and/or 'vulnerable-victim' fathers, and to make their ex-partners seem like perpetrators or deficient mothers. Perpetrators disguised their use of coercive control tactics as 'admirable' behaviour. With respect to omnipresent fathering, children were fearful that their father/father figure could appear at any time to attack, harass, manipulate, upset or kidnap them or their mothers. This behaviour led to some children continuously monitoring their surroundings as a protective strategy. Fathers/father figures were able to maintain some degree of control, domination and emotional power over children even when they were not physically present. The article suggests that robust measures are necessary to prevent coercive control perpetrating fathers/father figures from using father-child relationships to continue exerting coercive control on children and ex-partners.

Lo, M., A Domestic Violence Dystopia: Abuse via the Internet of Things and Remedies Under Current Law. California Law Review, *[s. l.]*, v. 109, n. 1, p. 277–315, 2021.

US based note. Abstract: Tactics of domestic violence are nothing new. However, as with various other aspects of modern life, technology threatens disruption. The increasing prevalence of Internet of Things (IoT) devices has given abusers a powerful new tool to expand and magnify the traditional harms of domestic violence, threatening the progress advocates have made in the past thirty years and creating novel dangers for survivors. An IoT device is a "smart," stand-alone, internet-connected device that can be monitored or controlled from a remote location. They are cheap and increasingly common—the number of IoT-enabled devices in the world is already in the billions and expected to grow quickly. IoT devices allow abusers to overcome geographic and spatial boundaries that would have otherwise prevented them from monitoring, controlling, harassing, and threatening survivors. Various advocates are finding ways to protect survivors, and the broader public, from these new dangers. In the domestic violence sphere, domestic violence service providers are creating resources for survivors that explain IoT-facilitated abuse and how to better secure their smart devices. In the technology sphere, consumers, businesses, digital experts, and the media are broadcasting the security risks of IoT devices. Unfortunately, significantly fewer outlets describe the legal remedies available for IoT-facilitated abuse. This Note aims to bridge that gap. It demonstrates that IoT facilitated abuse is a form of technology-facilitated domestic violence and explores how society can use current laws to address IoT facilitated abuse. However, it also questions whether the existing remedies are sufficient and offers recommendations for legal and nonlegal changes that will better protect survivors of IoT-facilitated abuse and hold perpetrators accountable.

Mechanic, Mindy B, Terri L Weaver and Patricia A Resick, 'Intimate Partner Violence and Stalking Behaviors: Exploration of Patterns and Correlates in a Sample of Acutely Battered Women' (2000) 15(1) *Violence and Victims* 55.

These USA based researchers recruited 114 battered women from shelters, agencies, and from the

community at large to complete a survey and an interview about stalking. Results support the view that violent and harassing stalking behaviours occur with high frequency among physically battered women, both while they are in the relationship and after they leave their abusive partners. Emotional and psychological abuse emerged as strong predictors of within- and post-relationship stalking, and contributed significantly to women's fears of future serious harm or death, even after the effects of physical violence were controlled. The length of time a woman was out of the violent relationship was the strongest predictor of post-separation stalking: stalking increased over time.

Messing, Jill et al., Intersections of Stalking and Technology-Based Abuse: Emerging Definitions, Conceptualization, and Measurement, (2020) *Journal of Family Violence.*

This article analyses stalking and technology-based abuse across 3 samples of IPV survivors (pen-and-paper surveys, web-based surveys and qualitative interviews). Over a 6-year period, data was collected from IPV survivors who received services from domestic violence programs (including shelters). This article highlights the high prevalence of intimate partner stalking, including direct stalking, monitoring, online harassment, and cyberstalking, among shelter and service-seeking survivors of IPV. Around 62-72% of women reported being directly stalked, and 60-63% reported experiencing technology-based abuse by an intimate partner. Women reported monitoring, online harassment, and cyberstalking more readily when directly asked, thereby demonstrating the importance of incorporating technology-based abuse into assessment and intervention.

Stark, Evan, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press, 2007).

This book is a key text on domestic and family violence. Although Stark is based in the United States his work has been highly influential in Australia. In this book Stark explains that domestic and family violence is a pattern of controlling behaviours akin to terrorism and hostage-taking. Drawing on court records, interviews, and FBI statistics, Stark details coercive strategies that men use to deny women their very personhood. He explains that surveillance and stalking include behaviours such as gathering information without the victim's knowledge and letting the victim know she is being watched, and serve as a means of curtailing the victim's activities and isolating her (p457-8).

Stark also discusses what he refers to as 'micro-surveillance', including activities such as going through diaries and drawers etc; monitoring phone calls, bank accounts and movements; or requiring partners to 'check-in' as a form of coercive control used by abusers in relationships (p461-3). Stark notes on p374 surveillance tactics may be extended to the point the victim is essentially confined, amounting to a deprivation of liberty. See this YouTube video of Evan Stark, discussing the central thesis of his book: *Coercive Control: The Entrapment of Women in Personal Life.*

Todd, C, Bryce, J & Franqueira, VNL 2021, 'Technology, cyberstalking and domestic homicide: informing prevention and response strategies', *Policing & Society*, **vol. 31, no. 1, pp. 82–99.**

UK based study. An emerging concern in relation to the importance of technology and social media in everyday life relates to their ability to facilitate online and offline stalking, domestic violence and escalation to homicide. However, there has been little empirical research or policing and policy attention to this domain. This study examined the extent to which there was evidence of the role of technology and cyberstalking in domestic homicide cases based on the analysis of 41 Domestic Homicide Review (DHR) documents, made available by the Home Office (UK). Three interviews were also conducted with victims or family members of domestic homicide in the UK. It aimed to develop a deeper understanding of the role of technology in facilitating these forms of victimisation to inform further development of investigative practice, risk assessment and safeguarding procedures. Key themes identified by the thematic analysis undertaken related to behavioural and psychological indicators of cyberstalking, evidence of the role of technology in escalation to homicide and the digital capabilities of law enforcement. Overall, the results indicated that: (1) there was evidence of technology and social media playing a facilitating role in these behaviours, (2) the digital footprints of victims and perpetrators were often overlooked in police investigations and the DHR process and (3) determining the involvement of technology in such cases is important for risk assessment and earlier intervention to prevent escalation of behaviour to domestic homicide. It also indicates the importance of further developing evidence-based approaches to preventing and responding for victims, the police and other practitioners.