

International law enforcement cooperation and the prosecution of cyber stalkers

Ori Igwe | 10394893@student.uwl.ac.uk
Ealing Law School, University of West London



The current state of knowledge on cyber stalking in the United Kingdom is reviewed. Cyber stalking connotes stalking activities which are carried out by perpetrators in the virtual world via any aspects of information technology or electronic means resulting in a victim or victims suffering emotional and arguably mental and psychological harm. Building on this knowledge, the methods used by cyber stalkers to harass victims are identified. The effects of cyber stalking on victims are then analysed taking into account recent research findings. Following from this, the prevalence of cyber stalking is examined and the effectiveness of existing legislation is evaluated taking into account the recently introduced laws on face-to-face stalking and cyber stalking. The paper concludes by giving an overview of the challenges faced by law enforcement agencies in the cross jurisdictional prosecution of cyber stalkers.

Keywords

online harassment | cyber stalking | cyber bullying | trolling | legislation on cyber stalking | Protection from Harassment Act 1997 | Protection of Freedoms Act 2012

Introduction

The worldwide advancement of digital technology has led to recent public concerns regarding various forms of online harassment such as cyber stalking, cyber bullying and trolling which unsuspecting online subscribers are subjected to. To this effect, Ellison and Akdeniz (1998) note that recent years have seen a series of 'moral panics' regarding information that is accessible on the internet and its use for criminal activity. This paper will focus specifically on cyber stalking as an aspect of online harassment.

The UK has not escaped the wave of public concern regarding online harassment in general and cyber stalking in particular. Grimley (2012) highlights the public concerns that have been championed by members of parliament, stalking charities, victims of cyber stalking and probation officials who have all questioned the effectiveness of the existing legislation as tools for protecting victims.

These public concerns reached a climax in February 2012 when the Hon. Elfyn Lwyd who chaired an independent parliamentary inquiry into the stalking law reform published the findings of the inquiry. One of the many findings of the inquiry reiterated the public concern that a specific offence of stalking and cyber stalking should be introduced into the legislation of England and Wales.

This article examines the current state of knowledge on cyber stalking in the United Kingdom. It begins with an overview of the definition of cyber stalking. Building on this knowledge, the methods used by cyber stalkers to harass victims are identified. The effects of cyber stalking on victims are then analysed taking into account recent research findings. Following from this, the prevalence of cyber stalking is examined and the effectiveness of existing legislation is evaluated taking into account the recently introduced laws on face to face stalking and cyber stalking. The paper concludes by giving an overview of the challenges faced by law enforcement agencies in the cross jurisdictional prosecution of cyber stalkers.

The internet: a 21st century tool for cyber stalking

According to Ross (2010, p.74), one of the many benefits of the internet is that it has undoubtedly improved people's ability and speed to communicate with one another. Bayer (2007, p.1) acknowledges that the internet allows users to store and publish content. These technological advancements have inevitably enhanced worldwide communications by enabling individuals to publish messages through weblogs, emails, websites, social networking sites such as Facebook, Myspace and YouTube. It can be argued that the communication advancements have encouraged global developments in the commercial, health, educational and communication sectors among others.

Despite the above societal benefits, the internet has opened windows for previously unknown criminal activities that not only challenge but also transcend physical boundaries, borders and indicates the existence of limitations to detect, punish and diminish what appears to be a growing social problem of global proportions. To this effect, Pittaro (2008, p.180-197) argues that the internet has become a fertile ground for an entirely new and unique type of offender known as the cyber stalker. Although Ross (2010, p.74) suggests that the internet has facilitated the harassment of individuals and organizations, it should be borne in mind that the internet is only one of the various communication technological means that cyber stalkers use to harass victims.

Definition of cyber stalking

There is presently, no universally accepted definition for cyber stalking. Nevertheless, two have been chosen from the various available definitions which cover the essence of the offence.

The first definition was postulated by Bocj and Macfarlane (2002). They defined cyber stalking as *'a group of behaviours in which an individual, group of individuals or organization uses information technology to harass one or more individuals. Harassment is defined as a course of action that a reasonable person in possession of the same information, would think causes another reasonable person to suffer emotional distress'*. This definition is unique from the rest as it acknowledges the fact that cyber stalking can be committed via any aspect of information technology as opposed to particular aspects of information technology.

In July 2011 academics at the UK National Centre for Cyber Stalking Research postulated the second definition chosen. They defined cyber stalking as *'a course of action that involves more than one incident perpetrated through or utilising electronic means that causes distress, fear or alarm'*.

The deduction to be made from the above definitions is that cyber stalking connotes stalking activities which are carried out by perpetrators in the virtual world via any aspects of information technology or electronic means thereby resulting in a victim or victims suffering emotional, and arguably mental and psychological harm.

An overview of the methods used by cyber stalkers to harass victims

Ellison and Akdeniz (1998) suggest that that cyber stalking may entail the following: the sending of unwanted emails which are threatening, abusive, or obscene, electronic sabotage by sending a victim hundreds of thousands of junk mail messages, the sending of computer viruses, the subscription of victims to unwanted mailing lists without their permission resulting in them receiving hundreds and thousands of unwanted emails and the impersonation of victims online.

Pettinari (2002) notes that the three main areas online where cyber stalkers are able to target victims are live chats where users can talk 'live' or type messages to one another in real time, Usenet newsgroups where people exchange messages in a group, and emails which are an outgrowth and a continuation of initial contact in chat servers or the Usenet newsgroups. Following from this, Ovidio and Doyle (2003) conducted a study of New York Police Department's method of investigating cyber stalking cases and found that the most commonly used methods were email at 79%, and instant messaging at 13%. Having established the means which cyber stalkers use to harass victims, the question that now needs to be addressed is what effects if any does cyber stalking have on victims.

Effects of cyber stalking on victims

Cohen (2011) suggests that very often victims of online harassment, online intimidation and online defamation feel hopeless and powerless to act: simply scared and paralysed, with a growing number of victims considering suicide as they feel they have no one to turn to for help.

In the United Kingdom, the first study of its kind to look at the extent and effect of cyber stalking (taking in social networking sites, email and mobile phones) was conducted in April 2011 by the National Centre for Cyber Stalking Research. The study was conducted over a twelve months period revealed that most victims suffered from Post Traumatic Stress Disorder, lived in fear of physical violence to themselves or to their families and children and were afraid of damage to their reputation. According to the research, the fears created by cyber harassment behaviours are varied and extreme for the individuals affected.

The report further indicated that *'cyber stalking damages multiple aspects of victims lives from study, to professional activity, to their relationships with others. Survey respondents reported changing jobs, isolating themselves by giving up social activities and having important relationship break up. It was further revealed that male victims are more likely to fear damage to reputation, whereas female victims are more likely to focus on fear of physical harm'*.

Figure 1 below represents the percentage of respondents reporting fear or distress according to the survey:

Figure 1

	Fear	Distress
All	80.9%	94.1%
Male	76.8%	90.5%
Female	82.7%	95.6%

(Source: Analysis of the echo pilot survey by the UK National Centre for Cyber Stalking Research, 2011)

Figure 2 below represents the respondents main fears:

Figure 2

Main Fear	Total
Physical injury to self	24%
Injury to feelings	13%
Damage to reputation	34%
Financial loss	2%
Physical injury to significant others	6%
Others	21%

(Source: Analysis of the echo pilot survey by the UK National Centre for Cyber Stalking Research, 2011)

The deduction to be made from the above data is that victims of cyber stalking experience fear and distress as result of their ordeal at the hands of cyber stalkers. The limitation of the data is that it is not a national representation.

Kelly (2011) reports that a victim who was cyber stalked for approximately 3 years by her boyfriend became so ill that she was prescribed antidepressants, developed symptoms of obsessive compulsive disorder, stopped eating at times and had to retake her university exams because the abuse affected her so badly. Mr Shane Webber sent explicit photos of Ruth Jeffrey to her family and friends and adult websites and secretly posted twelve graphic photos of her to four social networking sites. Dolan (2011) reports that the same victim also became suicidal and subsequently aborted their unborn baby as a result of stress.

Shanahan (2012) noted that the victims of a cyber stalker were left scarred by their ordeal after he made 17,000 random calls to targeted female strangers. The married Mr Poulter made a staggering 16,690 obscene telephone calls to the victims between January 2010 and February 2011, 13, 346 of which were dialled between 11pm and 6am.

Cupach and Spitzberg (2004) have identified five levels of stalking effects which are arguably experienced by the victims of cyber stalking. According to them, the first level is attributable to the impact on victims which leads to victims experiencing fear, anxiety, shame, loss, suicidal ideation, depression, sleep disturbance and impaired psychological well being. The second level is attributable to the impact on the social health of victims which results in decreased trust, increased alienation, isolation and restricted social activities. The

third level of the effect of stalking on victims is attributable to the health of the victim which leads to victims taking additional security measures and often involves absenteeism from work. The fourth and fifth effects of stalking on victims according to the academics are damage to the cognitive and physical health of victims which leads to maladaptive beliefs, attribution of self blame and personality adaptation among others.

Despite the above adverse effects on the general health of victims, Hellen and Summers (2012) recently observed that not everyone fully appreciates the seriousness of cyber stalking or understands the impact that the conduct has on victims. They recently reported that celebrities such as Ricky Gervais, Simon Pegg and Noel Fielding incited their fans to unleash trolling attacks on members of the public who dared to criticize them on the Twitter social networking site. Trolling which is synonymous to cyber stalking entails the abuse of targeted victims by online communities. The report went on to suggest that some of the victims of the trolls were so badly affected by the abuse that their health was impaired after having details of their private lives exposed to public ridicule. Others it would appear were forced to shut down their accounts because of the online abuse. It is arguable that the recent decisions of the comedians Ricky Gervais and Noel Fielding to incite fans to unleash 'trolling attacks' on members of the public demonstrates that to date, some individuals are still ignorant of the devastating effect that online harassment and cyber stalking in particular have on victims.

Although the report went on to confirm that the comedian Noel Fielding shut down his account in September 2012 after expressing his regret that someone who had criticized him claimed that her health had been affected by the revenge attacks on her by his fans, the question that now needs to be asked is how prevalent is the conduct in the United Kingdom.

Prevalence of cyber stalking in the UK

Roberts (2008, p.272) notes that most research into stalking has been done on clinical samples of victims or forensic samples of offenders and suggests that even prevalent estimates from community studies may be impacted by the

definitions of stalking and thresholds used. Although McVeigh (2011) points out that the UK British Crime Survey of 2006 estimated that up to 5 million people experience stalking each year, it should be borne in mind that there is no official statistics on the numbers who are cyber stalked. According to the survey, up to one in five people will experience stalking in the UK in their lifetime.

On 30th March 2011, the BBC reported that the latest crime survey for England, Wales and Scotland, found that some 1.4 million people were stalked or harassed in 2009-10. Following from this, data released by the National Probation Service show that there were 53,000 stalking allegations recorded in 2009 which led to 6,581 convictions. The data revealed that 18.5% of the 6,581 convictions led to a jail term. Mr Harry Fletcher the assistant general secretary of the National Association for Chief Probation Officers has since suggested that the actual number of incidents was probably 10 times the number reported to police, but many people were not coming forward.

Fenwick (2011) observes that prosecutions under the Malicious Communications Act soared to an all time high and increased almost 300% in five years to 899 in the year 2011. Fenwick (2011) also states that separate figures from the Crown Prosecution Service showed that in 2011, 33% of the stalking incidents were by e-mail, 32% by text message and another 8.4% through social networking sites. It is argued that this data provides an insight into the technological means used by cyber stalkers to harass victims.

On 20th June 2010 and 27th September 2012 respectively a spokeswoman for, the National Stalking Helpline provided the following breakdown of the number of people who had contacted the organization for assistance since the organization was set up to date. According to the spokeswoman, the stalking helpline dealt with 1,590 requests from victims in the first year that the helpline was launched between 26th April 2010 to 20th June 2011. The spokeswoman further confirmed that a total of 4,687 victims had contacted the helpline between 26th April 2010 to 26th September 2012.

The following breakdowns were provided:

Victim Gender breakdown for the period between 26th April 2010 to 20th June 2011

Gender	Number	Percentage
Female	1,271	79.9%
Male	302	19%
More than one victim	1	0.1%
Unknown	16	1%

Source: (Email correspondence from Ms Kristina, spokeswoman for National Stalking Helpline)

Victim Gender for the period between 26th April 2010 to 26th September 2012

Gender	Percentage
Female	77.8%
Male	19.8%
More than one victim	1%
Unknown	1.4%

Source: (Email correspondence from Ms Kristina, spokeswoman for National Stalking Helpline)

The breakdowns suggest that women are more likely to be victims of stalking. It should be noted that one of the unique aspects of cyber stalking is that it can result from or occur in conjunction with face-to-face stalking and vice versa. The breakdowns are limited in scope because they provide a statistical aggregate on stalking in general as opposed to a specific statistical aggregate on the aspect of the data that relates to cyber stalking. This is arguably due to the fact that up until late 2012, cyber stalking was not regarded as a specific criminal offence in the UK.

The deduction to be made from the above data is that face to face stalking and arguably cyber stalking are widely prevalent in the UK. Given that McVeigh (2011) acknowledges that cyber stalking is now more common than face to face stalking, the question that now needs to be addressed is how effective has the existing legislation in the United Kingdom up to 2012 been?

Protection from Harassment Act 1997

Depending on the school of thought that one identifies with it is arguable that victims of cyber stalking have been afforded some legal protection under sections 1, 2, 3, 4 and 5 of the PHA 1997. Section 7 (2) of the Protection from Harassment Act defines harassment as including 'alarming a person or causing a person distress' and as such victims of cyber stalking can rely on the PHA 1997 for both criminal and civil remedies.

Section 1: Provides a three stage process to establish harassment: Section 1 of the Protection from Harassment Act 1997 contains the prohibition of harassment, which forms the basis of the criminal offence of harassment and the statutory tort of harassment. It provides a distinct three stage process to establish harassment: (i) there must be a course of conduct by the defendant; (ii) this must cause

a victim to suffer harassment; and (3) the defendant must know or should have known that it will do so. A cyber stalker who is convicted under Section 1 of the Protection from Harassment Act 1997 could be imprisoned for up to 6 months and liable to a fine

Section 2: Creates the offence of

harassment: Section 2 of the PHA created the offence of harassment which potentially afforded cyber stalking victims access to legal redress. The section creates a crime of harassment and this covers much the same ground as the civil tort. The PHA offers victims extensive legal protection by making harassment unlawful regardless of the means by which it was caused and by focusing on the harm that results rather than the way in which it was inflicted.

Addison (2001) notes that section 2 makes it too easy to get a conviction and suggests that the criteria for the summary offence under the section are far too vague. It is therefore arguable that prosecutors will be more willing to rely on section 2 since it does not require proof that the victim was put in fear of violence and because the summary offence does not require intent on the behalf of the stalker it is easier to establish.

Section 3: PHA An additional tool for victims – the creation of a higher level

criminal offence: Section 3(1) of the PHA offers victims of harassment and arguably cyber stalking further legal protection by imposing criminal liability for the breach of civil injunctions as an alternative to the more usual contempt of court. In this way, the PHA removes the onus from the victim of bringing the matter to the attention of the court. Finch (2001) argues that it establishes the breach as it enables the police to act promptly and decisively on behalf of the victim and to arrest a defendant who breaches an injunction and to investigate the circumstances of the breach and collect the necessary evidence.

Section 4: The creation of a lower level

criminal offence: Section 4 created a crime of putting people in fear of violence. This section of the PHA did not effectively protect cyber stalking victims due to the fact that it is narrow in scope and requires victims to be the direct recipient of the conduct. In *R v Henley (2000, Crim LR 582)*, Lord Steyn observed that s4

requires the victim to fear that violence 'will' be used and that often, victims of stalking will only be in fear that violence 'may' be used, which will not suffice to establish liability. Thus, causing a victim to be seriously frightened cannot be equated to causing the fear of violence required under section 4. Neither will a generalised sense of fear, or a fear for the safety of others. Such a narrow interpretation severely limited the scope of s4 for victims of cyber stalking.

It can thus be argued that the offence of causing fear of violence was both narrower in scope and harder to establish. It would be more beneficial to victims of cyber stalking if defendants pleaded guilty to the offence of harassment as an alternative to the offence of causing fear of violence.

Section 5: The provision of restraining

orders: Section 5(1) of the PHA provides victims with further legal protection by giving the criminal courts power to attach a restraining order to any sentence imposed upon the defendant under sections 2 or 4. The restraining order is arguably beneficial to victims as it places restrictions upon the future conduct of the defendant, and contains no limitations as to the nature of the restrictions that can be included in the restraining order other than it must be aimed at protecting victims from further harassment or fear of violence.

Pinals (2007, p.95) points out that restraining orders are not always effective on face to face stalkers and arguably cyber stalkers who have major mental disorder or those whom are prone to violence. Chapman (2012) arguably noted that this was evident in the highly publicised case of Clare Bernall who was stalked for 6 months by her embittered ex-boyfriend Michael Pech and then murdered by him whilst at work in Harvey Nichols. The murder occurred despite the fact that Ms Bernall had taken out a restraining order against Mr Pech.

Despite some of the above level of protection which could arguably be afforded to victims who were being harassed by cyber stalkers, McVeigh (2011) criticises the PHA and suggests that the law needs to be changed because the act does not specifically make cyber stalking a criminal offence, has not been updated since the explosion of social media and does not legally define cyber stalking.

Malicious Communications Act 2003

In addition to telephone calls, victims of cyber stalking may also use the MCA to seek legal redress from cyber stalkers. S1 of the MCA provides that: *'a person who sends a letter or article which conveys a message which is indecent or grossly offensive, a threat or information which is false or known or believed to be false by the sender or any other article which is in whole or part, of an indecent or grossly offensive nature is guilty of an offence if the purpose in sending it is to cause distress or anxiety to the recipient'*.

Finch (2011) argues that this offers little protection to victims as it is a summary offence only punishable with a fine. Allen (1996, p.11), highlights that the offence requires proof of purpose which will fail to catch some stalkers. It has thus been suggested that the common law offence of criminal libel will offer a more enhanced protection to victims given that the offence is triable only on indictment and there is no restriction to the maximum penalty.

The Telecommunications Act 1984 (TEA 1984)

Making obscene, threatening, silent or general nuisance telephone calls is a frequently utilised means resorted to by cyber stalkers. Victims may use Section 43 of the TEA which gives victims a legal tool to potentially hold cyber stalkers criminally liable for such calls. The TEA creates two offences; section 43 (a) relates to the contents of the calls and prohibits those which are offensive, indecent, obscene or of a menacing character, whilst, section 43(b) concentrates on the purpose behind the calls, prohibiting repeated calls, and those containing false information that are made for the purpose of causing annoyance, inconvenience, and anxiety.

Computer Misuse Act 1990

Victims of cyber stalking may rely on the sections 1 to 3 of the CMA which created three criminal offences relating to unauthorised access to computer material, unauthorised access with intent to commit or facilitate the commission of further offences and the unauthorised modification of a computer. Cyber stalkers convicted for unauthorised access to a computer may be sentenced to a maximum of six months imprisonment or a maximum fine or both. Unauthorised modification of a computer material is punishable with imprisonment for a term not exceeding five years or a fine or both.

The act can therefore be used a weapon by victims of cyber stalking where the cyber stalker has hacked into their computers, used a victim's username and password without proper authority, accessed confidential information about the victim held on the computer or impersonated the victim by using e-mail or social network sites. The legislation provides protection of confidential documents and information held on computer and makes illegal certain activities such as hacking into other people's systems, misusing software, or helping a person to gain access to protected files of someone else's computer.

Computers Act 2003

Victims of cyber stalking may rely on section 127(1) of the CA which makes it a criminal offence to transmit messages through a public electronic communications network which are grossly offensive, indecent, obscene or menacing. This applies to emails and text messages. Additionally, under section 127(2) of the Act, a person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he sends by means of a public electronic communications network, a message that he knows to be false. So, under this section, a cyber stalker will be guilty of an offence if he or she sends just one false message, knowing that it is false, for one of the purposes mentioned, such as causing annoyance. An offence is also committed if a person makes persistent use of a public electronic communications network for the purpose of causing annoyance, inconvenience or needless anxiety to another.

It includes somebody who persistently makes silent telephone calls.

A cyber stalker guilty of an offence under section 127 of the CA 2003 shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine or both.

An overview of the recently introduced stalking law: the Protection of Freedoms Act 2012

Due to the above mentioned criticism of the Protection from Harassment Act 1997, and following the findings of the independent parliamentary inquiry into the stalking law reform, on 8 March 2012 the Prime Minister David Cameron announced that stalking was to be made a specific criminal offence. Subsequently, the Protection of Freedoms Act 2012 was unveiled as the new legislation. Section 111 of the Protection of Freedoms Act 2012 which came into force on 1 May 2012, amends the Protection from Harassment Act 1997 by the insertion of two new offences relating to stalking.

Creation of the offence of stalking: Section 111(1) 2A of the Protection of Freedoms Act 2012 creates the specific offence of stalking and also covers cyber stalking acts such as contacting or attempting to contact a person by any means, publishing any statement or material purporting to relate or originate from a person, monitoring the use by a person of the internet, email or any other form of electronic communication and so on. The section will be inserted after section 2 of the Protection from Harassment Act 1997 for the new stalking laws to take effect. Accordingly, the newly created section 2A of the Protection from Harassment Act 1997 will henceforth cover the above identified activities carried out by cyber stalkers. A cyber stalker found guilty under this section will be liable to a maximum sentence of six months imprisonment.

Creation of the offence of stalking involving fear of violence: Section 111 (1) 4A of the Protection of Freedoms Act 2012 also creates the specific offence of stalking involving fear of violence or serious alarm or distress. The section will be inserted after section 4 of the Protection from Harassment Act 1997. Accordingly, the newly created section 4A of the Protection from Harassment Act 1997 will relate to the offence of stalking, involving fear of violence or serious alarm or distress. A cyber stalker found guilty under this section will be liable on conviction on indictment to imprisonment not exceeding five years or a fine or both. A cyber stalker convicted on summary conviction will be liable to a term not exceeding twelve months or a fine or both.

Despite the fact that as from 25 November 2012, perpetrators will be guilty of cyber stalking activities under section 2A and 4A of the PHA, Huffingtonpost (2012) suggests that critics have argued that the new legislation will make little difference to victims as the new offence of stalking can only be tried by magistrates who can only sentence victims for a maximum sentence of 6 months. Huffingtonpost (2012) notes that critics have suggested that the second offence of stalking involving fear of violence or serious harm would be difficult to prove as the prosecution will need to show that the victim suffered 'fear of violence'

On 8th March 2012, a source on the ITV news website (itv.com, 2012) noted that the shadow home secretary Yvette Cooper has postulated that the new laws do not go far enough. She states *"We have been campaigning on a new law for stalking for sometime so it is welcome that the government has accepted that change is needed. However, I am worried that their plans do not go far enough, and are not strong enough. Their proposals risk being half hearted and over complicated, so victims will not get the protection that they need."*

Huffingtonpost (2012) further describes Laura Richards's reaction to the new laws. According to the online source, Ms Richardson from the charity Protection Against Stalking comments *"We welcome the creation of a new offence of stalking, however stalking being named is the only thing new. It has been tacked onto the current Protection from Harassment Act 1997 and is a rehash of what we know does not work"*. Huffingtonpost (2012) also confirms that officials of the probation office and victim charities have also recently voiced their concerns about the inadequacy of the new legislation to protect victims of cyber stalking.

Based on the above criticisms, it is therefore arguable that the new stalking legislation has been viewed by some as an inadequate piece of legislation to protect victims of face to face stalking and cyber stalking despite the fact that the legislation recognizes stalking as a separate criminal offence and has made some changes to the Protection from Harassment Act 1997.

Cross jurisdictional criminal investigation

The above concerns have been compounded by the fact that, cyber stalking as a 21st century international crime is unique in that the offence is not limited by national and jurisdictional boundaries. The unique aspect of the crime manifests itself when the offence occurs despite the fact that the perpetrator and the victim are separated by physical or geographical borders. This uniqueness thus poses a problem for international law enforcement agencies involved in the cross jurisdictional prosecution of cyber stalkers. Given that cyber stalking is a crime that transcends national and international boundaries and that the victims and the perpetrators may be geographically separated by the physical borders when the offence occurs, Roberts (2008, p.271)) has noted that this aspect of the conduct is problematic for investigating the conduct and determining where the actual offence has taken place and which charges may be filed.

UK MEP Liz Lynne called for the European Parliament to implement tougher punishment for cyber stalkers. According to the source, Ms Lynne highlighted that the conduct has exploded across Europe with the growth of the internet and the social networking sites. In doing so Ms Lynne emphasised that it was not just celebrities who were victims but also ordinary members of the public and therefore called for tougher legislation on the matter to ensure European wide standards on tackling the issue (Lynne, 2012).

Roberts (2008, p.280) identifies some of the difficulties faced by the police in the cross jurisdictional investigation of cyber stalkers as: the anonymity of cyber stalkers which makes it difficult to identify perpetrators, the unwillingness of the internet service providers to release data on the perpetrators and the absence of relevant legislation in some foreign jurisdictions. According to Roberts (2008, p.281), further difficulties faced by the police in the cross jurisdictional investigation of cyber stalkers include jurisdictional differences in the statutory definition of cyber stalking, the denying or ignoring by foreign countries of extradition requests and finally, a lack of clarity on what constitutes jurisdiction in cyber space. Pettinari (2002, p2) identifies the anonymity of cyber stalkers, jurisdictional limitations and the lack of adequate statutory authority as some of the challenges that hamper the cross-jurisdictional investigation of cyber stalkers.

Conclusions

This paper has highlighted cyber stalking as one of the many cyber crimes which victims are subjected in this twenty first century digital age. It has defined cyber stalking, identified the effects of cyber stalking, established the prevalence of cyber stalking in the United Kingdom and then analysed the effectiveness of the existing and recently introduced legislation as tools for protecting victims. It concludes by identifying some of the difficulties faced by police in the cross jurisdictional investigation of cyber stalkers.

Davis (2012) notes that in February 2011, Clifford Mills was jailed in the United Kingdom for life for stabbing his former girlfriend to death after stalking her for a year on face book. This case illustrates one of the fatal consequences of cyber stalking and as such it is arguable that the earlier identified public panic in the United Kingdom is justified. Cases such as this beg the question as to whether the internet as a 21st century communication technology is a blessing or a curse to the victims who fall prey to cyber stalking in particular and online harassment in general.

Ellison and Akdeniz (1998) argued many years ago that the beneficial use of the internet far outweighs its abuses. They suggest that the abuse and the few problems created by a small proportion of the internet community should be dealt with through self regulatory solutions at both private and public levels together with the improvement of good practices for internet usage.

References

- Addison, A. (2001) Dangers of the Protection from Harassment Act Information Research Online Available at: <http://www.neiladdison.pwp.blueyonder.co.uk> [Accessed: 4/11/12].
- Allen, M. (1996) Look who's stalking: seeking a solution to the problem of stalking. Available at: <http://www.justice.gc.ca> [Accessed: 29/7/11].
- Bayer, J. (2007) Liability of internet service providers for third party contents. *Victoria University of Wellington Law Review*, 1, p.1-15.
- Bocij, P. and McFarlane, L. (2002). An exploration of predatory behaviour in cyberspace: towards a typology of cyber stalkers. Available at: http://www.firstmonday.org/issues/issue7_11/bocij/index.html [Accessed: 30/9/12].
- Chapman, J. (2012) Stalking to become a crime for the first time with offenders facing up to five years in jail. Available at: <http://www.dailymail.co.uk/news/article> [Accessed: 3/11/12].
- Cohen, Y. (2011) Criminal justice system is failing thousands of vulnerable victims of online harassment and online intimidation. Available at: <http://internetlawexpert.co.uk/2011/category/yahircohen-2> [Accessed: 29/10/12].
- Cupach, W. and Spitzberg, B. (2004) *The dark side of a relationship from attraction to obsession and stalking*. London: Lawrence Erlbaum Associates.
- Davis, M. (2012) Face book stalker jailed for woman's murder. Available: <http://www.dailymail.co.uk/news/article> [Accessed: 3/11/12].
- Dolan, A. (2011) How could he do this to me: he wrecked my life. Hell of a woman harassed online for three years by a stalker who turned out to be her own boyfriend. Available at: <http://www.dailymail.co.uk/news/article> [Accessed: 19/10/12].

- D'Ovidio, R. and Doyle, J. (2003) A study of cyber stalking understanding investigative hurdles. *Federal Bureau of Investigation Law Enforcement Bulletin*, 3 October 2003, p.10-16.
- Ellison, G. and Akdeniz, Y. (1998) Cyber stalking: the regulation of harassment on the internet. *Criminal Law Review*, 29, p.29-48.
- Fenwick, S. (2011) Cyber stalking laws: police review urged. Available at: <http://www.bbc.co.uk/news/uk> [Accessed: 6/7/12].
- Grimley, N. (2012) MP's and peers demand law against stalking. Available at: <http://www.bbc.co.uk/news/uk> [Accessed: 3/11/12].
- Hellen, N. and Summers, H. (2012) Comedy stars turn trolls on critics. *The Sunday Times*, 16 September 2012, p.9.
- Huffingtonpost (2012) New stalking law 'disappointing' claims victim after meeting Cameron, Information Research [online]. Available at: <http://www.huffingtonpost.co.uk> [Accessed: 27/4/12].
- Independent parliamentary inquiry into stalking law reforms. Available at: <http://www.protectionagainststalking.org/inquiry> [Accessed: 29/10/12].
- ITV.com (2012) Yvette Cooper says new stalking laws don't go far enough, Information Research [online]. Available at: <http://www.itv.com> [Accessed: 17/4/12].
- Kelly, T. (2011) Student tells how 'caring' boyfriend was malicious and vile stalker who posted sexually explicit photos online. Available at: <http://www.dailymail.co.uk/news/article> [Accessed: 19/10/12].
- Lynne, L. (2012) Cyber stalking should be made a criminal offence MPs say. Available at: <http://www.bbc.co.uk/news/uk> [Accessed: 30/3/12].
- McVeigh, K. (2011) Cyber stalking is now more common than face to face stalking. Available at: <http://www.guardian.co.uk> [Accessed: 1/10/12].
- Pettinari, D. (2002) Cyber stalking investigation and prevention. Available at: <http://www.crime.research.org> [Accessed: 1/10/12].
- Pinals, D. (2007) *Psychiatric perspectives and practical approaches*. New York: Oxford University Press.
- Pittaro, M. (2008) Cyber stalking: an analysis of online harassment and intimidation. *International Journal of Cyber Criminology*, 1(2), p.180-197.
- Roberts, L. (2008) Jurisdictional and definitional concerns with computer related interpersonal crimes: An analysis on cyber stalking. *International Journal of Cyber Criminology*, 2, p.271
- Ross, J. (2010) *Criminal investigations on cyber crime*. New York: Chelsea House.
- Schenk, S. (2008) Cyber sexual harassment. The development of cyber sexual experiences questionnaire. *McNair Scholars Journal*, 12 (1), Article 8.
- Shanahan, F. (2012) Married pervert spent over £5,000 of his benefits making lewd late night phone calls to random women. Available at: <http://www.dailymail.co.uk/news/article> [Accessed: 30/10/12].