



## STALKING AND HARASSMENT – THE VICTIM'S VOICE

A briefing from Protection Against Stalking (PAS) for the independent parliamentary inquiry into stalking law reform

### FOREWORD

PAS would like to thank to all those victims of stalking who were brave enough to 'step out of the shadows' and take part in the survey.

*Stalking is like a one-man terror campaign. Like other forms of violence against women, for too long our parliaments, police and courts have remained silent about stalking. It's time we end that silence: one way to do so is to recognize stalking as a crime and to enact specific anti-stalking laws. It's time we stop making excuses, and realize the terror and harm it can cause, not only from the psychological impact. And it's time that good men everywhere speak out"*

*Michael Kaufman, Co-Founder, White Ribbon Campaign*

### 1. INTRODUCTION

Protection Against Stalking (PAS) believe that there is an urgent need for stalking law reform, revision of sentencing guidelines and proper mandatory training for relevant staff. Stalking is not fully understood by criminal justice professionals and too often stalking goes unreported and when it is reported there is a lack of understanding and low priority given to cases by police, Crown Prosecution Service, probation and judges and magistrates. In many cases the stalking campaign is missed and effective risk assessment and management is lacking which can have lethal consequences. Stalkers steal lives, and in the worst cases take lives, as seen again in recent high profile murder cases.

PAS have put together a unique survey for victims of stalking to ensure their voice and experience counts to inform changes within the Criminal Justice System, as well as better support for victims. 143 victims have taken part in the survey to date.



The survey reveals deep dissatisfaction with criminal justice professionals, secondary victimisation by the system, a lack of confidence in the judicial process and the horrific long term nature of stalking behaviour. Stalking is life changing. It is frequently injurious to victims' psychological, physical and social functioning, irrespective of whether they are physically assaulted. Offenders engaging in stalking behaviour can follow a path that ultimately can lead to rape, serious harm and murder. Intervention and prevention opportunities are missed and too often people pay with their lives.

<https://www.surveymonkey.com/s/WK2TGVJ>.

The British Crime Survey suggests that at least 120,000 individuals are affected by stalking and harassment each year, however only 53,029 cases are recorded as crimes. Data is not collected centrally by the police on the number of investigations or the number of offences of stalking which are reported at local stations. Stalking is currently not recognised as an offence or crime in its own right. It is not even legally defined in England and Wales. Stalking was, however, recently criminalised in Scotland in 2010, in the Criminal Justice and Licensing (Scotland) Act.

It is widely recognised that neighbours arguing about hedgerows, is wholly different from when one person fixates upon another and stalks them in an obsessive, persistent and terrifying manner. Often the perpetrator is not charged. The stalking behaviours may well seem unremarkable. But in the particular circumstance and context and with repetition they take on a far more sinister meaning.

On the rare occasion that perpetrators are charged, it is only with part of the behaviour, rather than the totality of the behaviour i.e. stalking in its entirety. This is why the totality of the behaviour and pattern of stalking is continually missed. The Home Office has collected statistics on the number of offences recorded by the police since 2008. Offences recorded under the Protection from Harassment Act 1997 are now grouped together under Home Office classification 8L Harassment.

Victims do not tend to report to the police until the 100<sup>th</sup> incident (Sheridan 2005) and we suspect that many perpetrators are serial in nature, who go from one victim to another and some stalk multiple victims at any one time. Of the 80 cases analysed by Napo only those perpetrators eventually charged with murder, attempted murder, GBH, wounding or serious sexual offences receive substantial custodial sentences. In each of those cases the stalking behaviour escalated from phone calls, unwanted and abusive texts, following victims to threats of violence and then actual violence, threats to kill and even homicide. Again early identification and intervention opportunities were missed as patterns of escalating behaviour were not understood. Those convicted under Sections 2 and 4 of the Protection from Harassment Act mainly receive non-custodial sentences with a requirement to participate in a domestic violence programme.



It is rare for individuals to be convicted for putting people in fear of violence as it is so difficult to prove but those that do, tend to get a short community sentence. In some cases there is evidence that participation in a domestic violence programme actually had a negative impact because the behaviour and mindset of the perpetrator was obsessive and mental health treatment may have been more appropriate. ([Stalking and Harassment: A study of perpetrators – Napo 2011](#)).

Data became available following the tabling of parliamentary questions drafted by PAS and Napo and put down by MPs who are members of the All Party Justice Unions' Parliamentary Group. The figures suggest that in 2009, 53,029 offences were recorded by the police of whom 6,581 were subsequently found guilty in court. This represents 12.9% of the total number of recorded offences. Only 2% of perpetrators receive a custodial sentence and 10% received other sanctions, such as fines.

Latest statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male (National Stalking Helpline, 2011). The majority of stalkers are known to their victims either as ex-partners or acquaintances, but some people are stalked by complete strangers.

## 2. FINDINGS FROM THE SURVEY

Victims of stalking were asked by PAS to complete a 12-point questionnaire. By November 2011, 143 victims had completed the Victim's Voice Survey. The key findings are in line with PAS's experience of stalking.

## 3. DURATION OF STALKING

1 in 2 victims had been stalked for longer than 18 months, with 42% being stalked for more than 24 months. This highlights the long term nature of the stalking behaviour and the real risk of escalation without early identification and intervention and prevention. Stalkers generally do not tend to stop, until they are stopped, either through incarceration and/or treatment or a combination.

### Victim 1

*'The police arrested him. He admitted it all and accepted a caution. But he did not stop. I decided the safest thing to do was to move. I have moved over 10 times since this started. Living in constant fear and with alarms is soul destroying and impacts every area of your life'*



### Victim 2

*'They never took me seriously, always believed him until it had been going on for 2 years and another police force got involved'.*

### Victim 3

*'The CPS only took one offence into account and then not the most serious or the string of offences that I have documents and tapes for that goes back 6 years.'*

### Victim 4

*'I have constantly felt that the criminal justice agencies have seen it as part of the civil matter and not wanted to get involved- however, the family proceedings went on for over 11 years. I was basically a sitting duck'*

### Victim 5

*'I have been making reports to the Norfolk police for nearly 3 years and the police didn't take action, saying they have many things to do and that stabbings and robbery were serious offences that they were busy dealing with. This involved damage to my car, property, and offending me and my parents and the police did not arrest him'*

### Victim 6

*'My stalking took place for 9 years between 2000 and 2009 continuously. It is now 2011 and is still intermittent. The courts should have paid more attention'*

## **4. METHODS STALKERS USE TO CONTACT VICTIMS**

The majority of victims said that multiple forms of contact were used to stalk them including phone calls, e-mails, turning up, leaving messages, child contact and court process and Facebook. The survey found that 62% of victims said phone calls were used, 51% following, 50% text messages, 50% use of third party, 30% e-mail, 25% letters, 25% breaking in and 20% where gifts were sent.

A number of victims also highlighted that the family courts and child contact processes were also used by the stalker, as well as social media including Facebook, Twitter. Multiple forms



of contact, including 'cyber' was also a principle finding from the National Stalking Helpline (2011).

### **Victim 1**

*'He was involved in ripping open bin bags to search contents, hanging about outside my home, appearing suddenly when I walk home in the evening'*

### **Victim 2**

*'I experienced consistent tyre stabbing of car and motorbike at various locations, tampering of motorbike endangering life'*

### **Victim 3**

*'He would be standing in the garden, underneath the bedroom window, looking through my bin'*

## **5. TYPE OF RELATIONSHIP**

The survey revealed that 57% were ex-partners, 13% strangers, 13% neighbours, 12% ex-colleague, 11% an acquaintance, 6% a family member, 3% a patient and 3% a friend. Others stated they had been on a few dates previously, or it was a partner of an ex-partner, a student and/or someone in their class.

The majority of victims have had an intimate relationship with their stalker and it was when they tried to leave and separate that the stalking occurred and often escalated, starting with persistent calls and texts, followed by threats, criminal damage and violence. We know this is the most dangerous time for women fleeing abusive relationships. Early identification, intervention, prevention is crucial, informed by a risk assessment. Cases can then be managed using a collaborative and multi-agency approach, which we know works to keep women and children safe.

## **6. POLICE CONTACT**

Of the 143 women who took part in the survey 69% contacted the police. Others who did not contact the police said:



## **Victim 1**

*'I did not contact Police as I did not believe they would do anything especially as my husband was a former Police Officer'*

## **Victim 2**

*'As I work in the criminal justice system I am aware of how difficult it is to make a case of harassment. Therefore I have been reluctant to contact the police'*

When victims did contact the police, 65% (of the 69%) said that they were not satisfied with the police response.

### **Examples of why victims were not satisfied with the Police response (n=82)**

## **Victim 1**

*'They failed to act, released him without charge, despite a witness statement, accepted his sob story and being contrite and allowed him to continue with his behaviour the minute he was released, giving him more confidence that he was untouchable'*

## **Victim 2**

*'The police didn't take me seriously on any occasion that I went to them to report numerous events'*

## **Victim 3**

*'They told me to switch my phone off and ignore it. They said there that nothing can be done. I showed them dozens of texts, they were not really interested. They said nothing can be done unless he actually tries to hurt me!!'*

## **Victim 4**

*'There are over 100 incidents and no action, wrong dates and information given to CPS. The IPCC upheld my complaints and I still can't get help'*



### Victim 5

*'I went to the police, they logged reports. However, I did not feel I was listened to and didn't take it seriously as there was not much face to face contact. I was informed to change my numbers, deactivate my Facebook and close my email account down. However, this hasn't stopped them.... on all occasions I have informed the police. However, after a while it exhausted me and felt that the police weren't going to do anything'*

### Victim 6

*'They have dealt with numerous incidents in isolation. They are reluctant to deal with incidents collectively as they say they can't prove it's my ex-partner that is doing it'*

### Victim 7

*'They said they could not do anything'*

### Victim 8

*'They said all they could do was speak with him'*

### Victim 9

*'They said they were tied by the legal system'*

### Victim 10

*'For the most part, they would take my stalkers side. Comments such as 'Oh, but he's really upset', were fairly consistent. They would ask him to leave the property, but not ensure that he didn't return, which he always did'*

### Victim 11

*'They said just say that there is nothing they could do unless he broke in to house - call them if this happened'*

### Victim 12

*'There are massive loop holes'*



### **Victim 13**

*'No help or assistance in the matter and when given statements, they were belittled and the CPS did not run it. Apparently no proof this was actually done'*

### **Victim 14**

*'They didn't really seem interested in gathering evidence or meeting with me'*

### **Victim 15**

*'I was told that because the stalker has not threatened me directly or harmed me they feel they cannot act'*

### **Victim 16**

*'Being abandoned by the police while being stalked only adds to the fear and distress of what is already a terrifying situation'*

## **7. CROWN PROSECUTION SERVICE (CPS) INVOLVEMENT IN THE CASE**

The victims reported that in 78% of cases the CPS were not even involved. Of the remaining 22%, 77% said they were not satisfied with the CPS response.

### **Examples of why victims are not happy with the Crown Prosecution Service response (n=31)**

#### **Victim 1**

*'The CPS plea bargained with him, by dropping several charges on several occasions as long as he pleaded guilty to other charges.....I thought this wasn't meant to happen in this country? Also, the representation by the CPS is extraordinarily half hearted compared to the representation by defence barristers. Little care is given to the victim in these cases'*

#### **Victim 2**

*'He had the time and opportunity to prepare his defence (hear: lies) for a month while I met "my" lawyer less than 5 minutes before going in before the judges: disgusting'*





### Victim 3

*'Many charges were dropped or minimised with no explanation given as to why'*

### Victim 4

*'CPS decided not to progress the case despite this being behaviour that was a pattern'*

### Victim 5

*'I was told it was the CPS's view about how the police would be criticised. I don't know whether this is correct or not. I only know that my ex's rights were placed well before mine'*

### Victim 6

*'On the second offence, the CPS solicitor did not understand or convey the seriousness of the offence to the court and it is my belief that the miscomprehension brought about the third breach of Restraining Order six days after the court hearing'*

### Victim 7

*'The CPS only took one offence into account and then not the most serious or the string of offences that I have documents and tapes for that goes back 6 years'*

### Victim 8

*'I am not satisfied at all with the CPS. There have been many breaches made by my stalker, yet the CPS chose the breaches they wish to prosecute and there is no consistency. They allow many to fall by the wayside and the message this gives to the stalker is that he can continue to stalk as many a time the CPS will not proceed with a prosecution. Also, there is no continuity with the prosecution as there is always a new prosecutor appointed. Often they have no expertise or knowledge of stalking and harassment and therefore are unable to prosecute effectively'*

### Victim 9

*'CPS tried to plea bargain to a lesser charge of breach of the peace- I fought this- was found guilty of the nuisance calls. CPS also attempted to prosecute for an assault on me by a third party which they reduced to breach of the peace in plea bargain- my ex was also found not guilty for beating me up in front of my son at my home- the police statement was agreed and therefore the officer unbeknown to me was not attending the trial. The Magistrate was*



*persuaded by my ex partner's 'Barrister' that no incident occurred and that I was just making it up to stop the contact. I am convinced if the police officer had given evidence and had told the courts of my and my son's level of distress when he attended that the verdict would have been different'*

### **Victim 10**

*'One charge went from attempted murder to common assault. Also at court they struck a deal and dropped many of the charges'.*

## **8. CHARGING AND SENTENCING**

The survey found that in 47% of the cases, the perpetrator was not charged and in 41% of cases the case did not even progress that far. Therefore, in 88% of cases the perpetrator got away with it and did not receive any form of sanction through the Criminal Justice System. This is in line with parliamentary answers from spring 2011 which reported that just over half of all complaints did not result in a prosecution.

### **Victim 1**

*Victim when asked if he was charged said: 'No. The police did not progress the case to court. They informed me that they did not want to progress it to court because he had a heart condition. The sergeant told me that if my ex dropped dead whilst awaiting for the hearing then the police would be criticised for placing him under "undue stress"'*

### **Victim 2**

*'He was charged with harassment but given a police caution'*

### **Victim 3**

*'Was not charged with any form of harassment against me due to lack of evidence'*

### **Victim 4**

*'Only given caution for assault'*

In the 19% of cases where some perpetrators were charged with breaching an injunction, a few were given cautions, others a warning, some were charged with harassment, assault, child abuse, nuisance phone calls, assaulting a police officer or under the Postal



Communications Act. The impact of this is that the stalking behaviours are missed as currently there is no offence of stalking and often the police charge for only a part of the stalking behaviour. In the majority of cases, the perpetrators were repeat offenders who only received fines and/or community service. The light sentences and punishments do not reflect the serious nature of stalking and early intervention and prevention opportunities are missed.

### Victim 1

- *'The first time he was remanded for two weeks (breaking bail conditions).*
- *The second time he received 32 week sentence, immediately reduced to 16 weeks and later to 14 weeks (breaching restraining order).*
- *The third time he received 32 week sentence, immediately reduced to 16 weeks and later to 14 weeks (breaching restraining order).*
- *The fourth time he received a 15 month sentence; he appealed and sentence reduced by 3 months - he served 5 months (breaching restraining order). Shortly after release, this time on probation he broke restraining order and was sent back to prison to serve remainder of sentence.*
- *On the fifth time he broke restraining order he was once again released on bail conditions, even though it had taken the police nearly two weeks to catch him. He eventually pleaded guilty at crown court and received a 5 months suspended sentence and a fine and community service'*

### Victim 2

*'He got a one year conditional discharge having caused thousands of pounds worth of damage. Plus he caused me to lose my job, my friends and family, my house and made me feel utterly terrified... Utterly outrageous'*

### Victim 3

- *'For first offence of harassment he was given a fine and an Indefinite Restraining Order and fine/costs.*
- *For the second Offence of Breach of Restraining Order x 2 and Criminal Damage he received 100hrs Unpaid Work and £100 compensation order.*
- *For the third 3rd Offence of Breach of Restraining Order x 3 he received a 24 month Suspended Sentence Order (6 months Imprisonment) and 6mth curfew requirement'*



#### **Victim 4**

- *'For the first conviction he received a compensation order and community service.*
- *'For the second conviction he received a suspended sentence and another compensation order.*
- *'For the third sentence he received 16 weeks in jail'*

#### **Victim 5**

*'He was given a fine of £250!'*

#### **Victim 6**

*'Yes, he pleaded guilty and was given 120 hours community service and court costs. I got a permanent restraining order'*

#### **Victim 7**

*'He was remanded in custody for 1 week'*

#### **Victim 8**

*'He got 6 weeks for contempt but nothing for what he had put me and my children through'*

It is only after the offender has escalated their behaviour and harmed, injured, wounded and even murdered victims that the CJS reacts. PAS believe that this is far too late. Intervention and prevention opportunities are missed and too often people pay with their lives. A victim's life, and those around them can be completely shattered and torn apart and/or they can be seriously injured and in some cases murdered. For example, one perpetrator was charged and convicted for rape, kidnap and attempt murder.

#### **Victim 1**

*'Yes 12 Year sentence with IPP for life, can apply for parole in 6yrs'*



## 9. THE VICTIM'S EXPERIENCE OF THE CRIMINAL JUSTICE SYSTEM RESPONSE

The survey participants reported that 72% of them were unhappy with the Criminal Justice System's response; this includes police, probation, the courts and the Crown Prosecution Service.

**Examples of why victims who report that they are being stalked are not happy with the CJS response (n=48)**

### Victim 1

*'The Harassment Act is interpreted differently by different police officers - some issuing harassment warnings (just in case) others saying they can't issue a warning as damage to my property can't be proved it as to who it was'*

### Victim 2

*'The police, Crown Prosecution Service, magistrates etc do not have enough continuity in this area. Some police forces have excellent training in this field others are awful. The same with the courts some have specially trained magistrates others can be ignorant of this area with a lack of understanding, leaving women vulnerable and can result in them being killed'*

### Victim 3

*'There have been over fifty breaches of non-molestation orders. The outcome was a £80 fine for the perpetrator'*

### Victim 4

*'They would not do anything'*

### Victim 5

*'The Police frequently used to say that there was nothing they could do because it was a 'domestic situation'. The court ruling failed to protect me also'*

### Victim 6

*'The process from start to finish was unsupportive and unclear. The case was adjourned due to the CPS not providing evidence and the case against the perpetrator was weakened due to lack of preparation'*



### Victim 7

*'Each incident was treated as an individual and not looked at as a whole. On one occasion he received a prison sentence for breach of the restraining order and whilst in prison continued to ring me threatening to kill me when he got out. Police initially refused as 'he's already in prison what do you want us to do'. He was arrested for breach on another occasion, appeared in court and told a pack of lies and believed - bail conditions were lifted because of this and neither myself or the Police knew what his new bail conditions were. There were 3 Police officers who were brilliant but others awful - many reports were not pursued and I did not feel protected or listened to at all. They made me feel that I was in the wrong'*

### Victim 8

*'As a victim I reported everything to the police to ensure the safety of myself and my family. However, the sentences given out to perpetrators are an insult to the victims and are so minimal that they encourage the cycle of abuse to continue. The Criminal Justice System as it currently stands is in total favour of the perpetrator and the public is not protected by it'*

### Victim 9

*'The system doesn't protect the victim, it doesn't care about the victim'*

### Victim 10

*'I am let down because they do not take into account the totality of what has happened over the years, they are focused on narrow actions in a narrow band of time, the victim is so traumatised by the years of abuse (and harassment is abuse) and in the end one action is all the criminal justice system will focus on - that is clearly not fair on the victim'*

### Victim 11

*'The CPS need to employ specialist prosecutors instead of appointing random ones who have no understanding of stalking nor understand of the history of an ongoing case. Also, CPS need to be educated on the Protection from Harassment Act as many times they do not understand what harassment is. Finally, the sentences for harassment and breaches of restraining orders are very lenient which allows the stalker to continue as there is not strong enough punishments being ordered'*



## 10. ENHANCING PROTECTION

Victims were asked, based on their experience of being stalking and dealing with criminal justice professionals to cite examples of things that would have made them feel more protected. Amongst the comments were (n=80):

### Victim 1

*'Arrest and appropriate use of the Act, with a sensible sentence following, this reduces the power the perpetrator has rather than giving him confidence that he is untouchable and can do as he pleases.'*

### Victim 2

*'Yes - a holistic look at the case and a proper investigation rather than another 'log number' and recorded crime incident'*

### Victim 3

*'It would be reassuring if the police would at least log the incidents, I've been made to feel that I am at fault for bothering them by asking for help'*

### Victim 4

*'Qualified police officers with understanding professional attitudes'*

### Victim 5

*'More comprehensive support from agencies. All breaches were his word against mine, lack of understanding that this is usually the case by the courts. My stalking took place for 9 years between 2000 and 2009 continuously. It is now 2011 and is still intermittent. The courts should have paid more attention'*

### Victim 6

*'In my case the perpetrator was not caught because the RIPA Act meant surveillance cameras had to be turned off after three months. My stalker was a police officer who was trained in surveillance. My second attack occurred the day after the cameras were turned off. Nothing happened when the cameras were running'*



### **Victim 7**

*'If I had been taken seriously originally this may not have gone on as long as it did. I may not have had to move from Leeds to Dorset with nothing. I may not have had to rebuild my life. I still feel quite bitter about it even though it stopped in 2003, but I have rebuilt my life and my children and myself are happy now'*

### **Victim 8**

*'Injunctions - unable to afford one'*

### **Victim 9**

*'The police should be using the evidence and building a case – i.e. following the National Police Improvement Agency guidelines. The police should also be assisting/advising on securing my home and my privacy'*

### **Victim 10**

*'My stalker at first used methods of contact i.e. letters, calls, texts, email. Then as social media has become popular, Facebook. On a number of occasion I complained to Facebook and never got a response. It felt they didn't take the situation seriously enough. My stalker never used threats or violence. It was constant messages to myself or my friends that was endless. It would be good to see social media sites like Facebook, Twitter have proper procedures for harassment'*

### **Victim 11**

*'Better information as to other agencies that might offer support - any voluntary agency support? Improved information re specialist police Domestic Violence roles'*

### **Victim 12**

*'Yes, there should be a proper psychiatric assessment done by a Psychologist who understands stalking behaviour. This would help with risk assessing and devising treatment plans for these types of perpetrators. Also a consistent prosecution by the CPS in following up every breach and having one specific person on the case, would have helped'*

### **Victim 13**

*'Recognition of stalking as a crime and conviction'*





## 11. IMPROVING THE VICTIMS EXPERIENCE

Victims were then asked what would have improved their situation. The responses included (n=86):

### Victim 1

*'A proper investigation and questioning of the suspect like other crimes'*

### Victim 2

*'I feel the police did not do enough in speaking with the person in question and following my complaint up with me. It felt like they thought I was wasting their time'*

### Victim 3

*'The Police need to treat this more seriously and give advice line numbers to victims'*

### Victim 4

*'The police need to take this seriously, better training for them, this can be achieved, we have fantastic police working child protection cases and this is pretty much country wide, therefore it can be improved with a little more knowledge and understanding'*

### Victim 5

*'Police taking me seriously and CPS sticking to original charges and not looking for the cheapest and easiest way out!'*

### Victim 6

*'More powers to allow the police to use their discretion and act accordingly and adapt their investigation to individual cases'*

### Victim 7

*'I didn't feel that the police were taking the situation seriously. I knew that my ex had a gun although he didn't have a license for it. I don't know if he would have used it but he was desperate and an alcoholic. He used to sit at the end of my road and wait for me - I was too scared to go home and the police just weren't interested. When they finally got around to taking my statement they told me that they hadn't realised just how much had happened - then they interviewed him and he admitted to more. Nobody listened to me. I was lucky. The*



*police caution seemed to be enough to scare him off for a while and then he died (he was an alcoholic and drunk himself to death). If he was still alive I was still be looking over my shoulder. They only seemed bothered with his rights and not mine'*

### **Victim 8**

*'Serious investigation of perpetrators'*

### **Victim 9**

*'I wish the Police would have recognised I was being stalked and risk assessed correctly'*

### **Victim 10**

*'An effective police response'*

### **Victim 11**

*'Knowing a little bit more about support networks'*

### **Victim 12**

*'More police intervention early on'*

## **12. LEGAL AND PRACTICE CHANGES**

Finally, and critically, the victims were asked what needed to change in order to prevent the escalation of stalking behaviour (N=91):

### **Victim 1**

*'Amend the law'*

### **Victim 2**

*'To have an anti-stalking law in place that has "teeth" and would give victims reassurance to come forward and their complaint would be dealt with satisfactorily'*

### **Victim 3**

*'I now work with victims of domestic violence and I work in court. What happens over and over again is that victims report breaches and the police do not act unless there is a pattern*



*of behaviour. They want there to be more than one instance of a breach. The second breach of any order could be the time that he kills her. Magistrates need more training on stalking. I have seen magistrates release defendants on bail who should not be released as they see stalking as less serious than physical violence'*

#### **Victim 4**

*'There is currently the threat of 5 years imprisonment for breach of sex-offenders register, or restraining orders following stalking activity. However, in reality these consequences are NEVER followed through. Consequences for breaching these orders need to significantly enforced and this is not happening - WHY?'*

#### **Victim 5**

*'The police need to take stalking and cyberstalking very seriously. Computer hacking and surveillance technology is being used by stalkers and the police don't seem to be equipped to deal with this fact'*

#### **Victim 6**

*'Yes they should be taken more seriously and not have to wait until the stalker has attacked someone before taking action'*

#### **Victim 7**

*'Tougher laws and penalties are needed. Victims should be taken seriously'*

#### **Victim 8**

*'Harsher sentences, they destroy your life make you feel unsafe and the courts treat them with absolute leniency. There is no incentive for them to stop. They just move on to someone else. They should have to at least go on some sex offenders register as a danger to women and by law have to inform their employers'*

#### **Victim 9**

*'It would be better to have district judges instead of magistrates'*

#### **Victim 10**

*'More awareness to be given to women, young teenagers to make them more confident about what behaviour they should not put up with when in a relationship/ending a relationship'*



### **Victim 11**

*'Training for magistrates for them to understand the seriousness of this crime'*

### **Victim 12**

*'Stop blaming the victim and conduct proper time consuming investigations. Too much time spent on trivial crimes/motor vehicle and other'*

### **Victim 13**

*'Young people need to be educated from a very young age about all aspects of Domestic abuse / violence. This will hopefully break many cycles of abuse and give those being stalked and abused the voice to leave'*

### **Victim 14**

*'More visible information, billboards, leaflets, advertising, visible support helplines'*

### **Victim 15**

*'Victims need to feel they are being believed and their fears taken seriously. Be victim focussed not incident focused'*

### **Victim 16**

*'More support and to be taken seriously'*

### **Victim 17**

*'I think the Police need consistent training on how to recognise a case of stalking and how to safeguard the victim and share information with the victim and other agencies. Stalking is not always obvious unless you have received good quality training'*

### **Victim 18**

*'More training for front line practitioners, police officers etc'*

### **Victim 19**

*'The totality of what has happened must be taken into account. That those who supervise the criminal actually know what their charge is doing, that if the campaign of stalking and harassment utilises the internet that facility is removed from the criminal. that there is*



*better help with putting together a comprehensive case against the stalker/harasser so that the judiciary are aware how long it has all been going on for, it should not have taken years and years of harassment before the police were even willing to charge with harassment'*

### **Victim 20**

*'We must learn from mistakes, look at previous cases, where the worst scenario murder has been the result of a lack of response by the criminal justice system and put procedures in place to prevent this continuing'*

### **Victim 21**

*'Better understanding of this crime throughout from Police, CPS, witness services through to the Judges. Mandatory psychiatric assessment should be done at the time of the first prosecution. To have the same prosecutor on the case throughout and that this prosecutor understand stalking and harassment crime and be consistent in prosecuting breaches. Many a time, I've had breaches dropped because CPS felt the most recent breach and conviction covered it! Give the message to the perpetrator that 8 out of 10 times he can breach and get away with it! For there to be a proper victim support in place. There is nothing set up to help the victim deal with this crime emotionally and physically. There should be a Victim Support person with understanding of this crime to help the victim be prepared for the longevity of this crime, what to expect, how to handle things and the resources available i.e. stalking charities, counsellors to talk to etc. Also tougher sentences need to be passed to show the perpetrator that this type of behaviour is a crime and is not acceptable in law'*

### **Victim 22**

*'Where do I begin? There IS NO SUPPORT for victims - really, tell me you're joking around with this question! Start from there: from the reality that there actually is no support'*

## **13. CONCLUSION**

It is clear that victims of stalking are consistently being let down and the Criminal Justice System is failing them. Secondary victimisation by the CJS appears to be common place for victims of stalking. They are victimised at the hands of their stalker, and then again by the system, which appears currently incapable and powerless to identify stalking and intervene and protect some of society's most vulnerable people.



Victims are rarely taken seriously and most of the time they are told that the police cannot do anything and 'their hands are tied by the law'. Too often perpetrators are believed over the victim, without checking for corroborative evidence, victims are not sign posted to appropriate support or given safety advice and risk assessments are absent. Too often we hear that perpetrators have rights, whilst victims only have codes and charters.

Perpetrators are rarely punished or receive the appropriate treatment they require. They are allowed to continue with their unacceptable behaviour, increase in confidence and escalate their offending, in many cases stalking multiple women and moving from one victim to another. Whilst their confidence increases as they continue 'to get away with it', the victim's trust and confidence in the CJS conversely decreases and they fear no one can help or protect them. Only once the perpetrator has seriously harmed and injured the victim, does the system then react and respond. By then it is too late and victims pay with their lives.

Currently, this is very reactive, with no preventative measures meted out. Stalking is a pattern of behaviour, which tends to be missed. We are recommending that stalking is made a criminal offence. This hidden crime needs to be named and professionals need a specific standardised framework in which to work. Stalking is a unique type of crime. It is distinguishable from many other types of crime in two important ways. Firstly, it entails repeat victimization by the offender. It is, by its very nature, a series of acts, rather than a single incident. Secondly and more importantly, stalking has a devastating effect on the victim. Creating a specific 'Offence of Stalking' would recognize these crucial points.

The '*Offence of Stalking*' would be marked out clearly and concisely providing an operational definition of what constitutes stalking, as well as creating a 'catch all' (*inter alia*) for new and emerging behaviours, technological or otherwise. This is fair to not only to the police, the prosecutors and the courts, but, also to the victim and the accused, leaving in no doubt what constitutes the offence and the crime that has been committed. It provides a framework in which to place the behaviours and how it is expressed. It names, defines and classifies it accurately and succinctly to prevent any transgression throughout the investigation.

The Protection from Harassment Act, 1997, as it currently stands is open to individual officer's interpretation which is problematic. PAS believes an offence of stalking is needed to provide a single offence for offenders to be charged with, to create a common and standardised framework for police and CPS to work within as well as raise awareness. Naming the crime would be part of the solution.



It is now being recognised that stalking sits within a wider agenda manifesting as part of many other serious forms of anti-social behaviour and violent crimes such as; domestic abuse, honour based killings, racial hatred crimes, community hatred crimes, identity theft, bullying , rape, serious assault and murder.

It is crucial the early warning signs of early stalking behaviours are recognised. The result of stalking on a victim carries a high price - life, children, jobs, belongings, safety, and trust. Instructed to relocate and change identities, survivors suffer long lasting emotional and social effects. Research highlights the damage to children affected by stalking also appears to be permanent.

It is time for change. This will save lives and, ultimately, money.

## 14. PARLIAMENTARY INQUIRY

In June 2011, Protection Against Stalking and Napo established a unique parliamentary inquiry into the need for stalking law reform hosted by the All Party Justice Unions' Parliamentary Group. The group's terms of reference are:

- Whether the substantive law in England and Wales needs amending
- Whether any changes need to be made to sentencing practices and guidelines
- Whether there is any need for training for police, probation officers and others within the criminal justice system
- What the consequences are of real life and cyber stalking for victims
- Whether there is a need for an action plan which deals with victims' needs and services, training, investigation and prosecution, risk assessment and increased awareness publically of the consequences of stalking and harassment.
- Whether treatment programmes should be available for perpetrators and, if so, what should be their content

A report based on the evidence, both heard and received in writing, will be published in the New Year. Representatives of PAS and Napo are acting as advisors to the inquiry. It was agreed in June that the group would take evidence from experts and victims over the period July to December 2011.

## 15. PAS RECOMMENDATIONS

- A victim advocacy service should be established.
- Stalking should be defined in law, similar to Scotland.



- Mandatory training for criminal justice professionals on stalking, including risk identification, assessment and management.
- Section 2 Harassment should be triable in both the magistrates and crown court, emphasising its seriousness and increasing the maximum sentence to five years which would allow the police to apply for European Arrest Warrants. Currently these cannot be applied for unless the offence attracts a minimum of 12 months imprisonment and in more serious cases a sentence of three years or more.
- Section 2 should be made an indictable offence to ensure police have the trigger power to search a perpetrator's home address (overturned by SOCPA 2005). At present the police do not have the power to enter properties and seize equipment such as computer hardware. Making the offence triable either way and introducing the crown court would get round this loophole in the law.
- Sentencing guidelines and practices need to be rigorously reviewed as sentences are too light and do not reflect the serious nature of the behaviour.
- There should be stronger sanctions for repeat breaches of restraining orders.
- The presentation of a social history to a court in cases of stalking and harassment should be mandatory.
- There should be an assumption that if an individual is charged with a serious sexual or violent offence that there should be a remand into custody except in exceptional circumstances and a risk assessment should be undertaken in respect of the victim.
- There should be a duty on the court to obtain risk assessments in respect of victims.
- The court should have a duty to request psychiatric assessments on repeat perpetrators.
- The sentence of the court must be related to risk to the victim.
- Civil proceedings should not be used as a means of continuing to harass a victim, for example in contact or adoption matters.
- There should be a national register of stalkers and the police should be allowed to disclose information to potential new partners if they know the offender is a serial perpetrator.
- Resources should be made available to develop a treatment programme for perpetrators.

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10 November 2011