

# Stalking and harassment: A study of perpetrators

**A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff for the People's Parliamentary Inquiry into Stalking Law Reform - December 2011**

## INTRODUCTION

Stalking is a serious crime and can lead to violent assault, psychological damage and even homicide. It is not fully understood by criminal justice professionals and there is an urgent need for law reform, revision of sentencing guidelines and proper mandatory training for relevant staff. Napo has undertaken a study of the behaviour and treatment by the criminal justice system of 80 convicted stalkers. Within the group, 79 of the perpetrators were men and 79 of the victims were women. 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. However 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

Data was made available following the tabling of parliamentary questions drafted by Napo and Protection Against Stalking 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. It is not known what happened to the remaining 46,178 recorded offences. Some would have been acquitted at court but the majority were almost certainly not proceeded with. The number of persons found guilty under Section 2, the offence of harassment, in 2008 was 3,941, rising to 4,365 during 2009. The number receiving custody was 519 and 564 respectively. Everyone else was either fined or dealt with in another way, such as a conditional discharge or community sentence. The number jailed therefore represents 13% of those found guilty in both years.

It is unusual for individuals to be charged under Section 4 of the Protection from Harassment Act, putting a person in fear of violence. Nevertheless in 2008 there were 839 people found guilty and the following year the number fell to 786. The number given a custodial sentence was 170 in both years. The police report it is difficult to gather evidence which proves 'putting a person in fear of violence' under this section. Nevertheless the figures show that the percentage given custody in 2008 was 20% and in 2009 was 22%. Everyone else was dealt with by a fine or in some other way.

The number persons found guilty of breaching a restraining order rose sharply between 2008 and 2009, from 821 to 1,463. It is likely that this coincided with the issuing of police guidance. The percentage of those jailed remained the same at 32% for both years with 260 people given custody in 2008 and 456 in 2009. Everyone else was either fined or dealt with in another way.. The number of people who had received 12 months for breach of a restraining order for the last five years was 22, 20, 8, 27 and 41 respectively. The number receiving 12 months or more for putting a person in fear of violence was 30, 38, 25, 22 and 21 for each of the last five years, suggesting that convictions under the 1997 Act do not attract significant sentences and therefore the individuals are not assisted with treatment or rehabilitation.

The parliamentary statistics suggest that 18.5% of those found guilty were jailed, 10% fined and 70.5% were dealt with in other ways as described above. However, if taken as a percentage of offences recorded during 2009, 2.2% were jailed and 10% fined or dealt with in other ways. The remainder were either not prosecuted or were acquitted.<sup>1</sup>

Latest statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male.<sup>2</sup> The majority of stalkers are known to their victims either as ex-partners or acquaintances, but some people are stalked by complete strangers. Many victims will experience multiple, repeated stalking behaviours before they report this to the police. Research has shown that victims will experience up to a hundred incidents before they report the matter to the authorities.<sup>3</sup> There is also some evidence from research and from the Napo survey that many stalkers act in a serial manner.

## PERPETRATORS' STUDY

During the summer of 2011 Napo asked its members to provide case histories of individuals who have been convicted of significant stalking behaviour in the last 12 months. By autumn 2011 Napo had received 80 studies. The majority came from Probation Victim Liaison Units or from Probation staff working in jails.

It became apparent during the study that often court report writers, following training, concentrated on the immediate matter before the court and did not take into account previous histories or behaviours. In Napo's view this means that significant stalking and harassment evidence is therefore being missed by the courts and sentencers and this clearly affects the sentence handed down by the court on a finding of guilt. This is a view that is also shared by the leadership of the Magistrates' Association.

Probation staff are concerned that the evidence shows that sentences handed down by the courts are often too short for rehabilitation or treatment to occur and the cumulative behaviour is not taken into account by the courts when determining outcome. It is not routine for example that psychological or psychiatric assessments are requested by the courts in respect of the perpetrator, indeed often they are turned down. In Napo's view, as a consequence of this women who are being stalked are placed at grave risk.

## Areas Responding

Case studies were submitted from 17 of the 34 Probation Trusts in England and Wales. These were:

Avon and Somerset	Greater Manchester
Cheshire	Nottinghamshire
Cumbria	South Yorkshire
Devon and Cornwall	Staffordshire and West Midlands
Dorset	Thames Valley
Durham/Tees Valley	West Mercia
Lancashire	West Yorkshire
Leicestershire	Wiltshire
London	

## Case Summary

The 80 cases submitted by Napo members are strikingly similar. They are disturbing and frightening for victims and all the experiences were harrowing. The overwhelming majority of victims were in constant fear; many were physically injured; most experienced varying levels of assault; many were the victims of criminal damage and in extreme cases victims were either murdered or were the subject of attempted murder. There is evidence that perpetrators threaten friends and the family of victims in order to get information either in real life or through texts and the internet.

There were a number of common characteristics that appear in all cases. Most victims claim there are a significant number of incidents which occur before they go to the police and often their complaints are not investigated thoroughly. The stalking usually occurs over a long period, often years. It tends to be a mix of real life and cyber stalking. There is overwhelming evidence that perpetrators behaviour escalates if there is no criminal justice intervention or treatment. It appears to be the case that stalking behaviour is not properly recognised by the majority of professionals.

In most cases there is a history of domestic violence with numerous incidents before matters are reported to the police and then inconsistent experiences as to whether it is taken seriously. In a number of cases men were placed on domestic violence courses which were not appropriate as the behaviour is obsessive and linked to mental ill health and the courses do not produce the right outcomes. It appears that many perpetrators have an armed forces or similar disciplined service experience at some time in their past.

Section 4 of the Protection from Harassment Act 1997 which deals with putting a person in fear of violence is not used very often. When the individual is charged with harassment it is very rare for a custodial sentence to be imposed and staff report that sentences are normally too short to be meaningful. The exception seems to be when victim liaison units are involved but normally at this point behaviour has escalated into violence and the custodial sentences are significant.

Staff report consistently that they believe current legislation and training appear to be inadequate. It is very clear from the case histories that risks to victims are not identified at an early stage in proceedings. There does not appear to be routine requests from courts or others for psychiatric assessments of the perpetrator's state of mind or behaviour, indeed in some cases recommendations for reports are turned down. Unless staff have experience and training in mental health, referrals for those assessments are not forthcoming. Sometimes reports written on perpetrators do not include information on previous offending but concentrated on the index offence and this is a reflection of current training and practice.

There is evidence that perpetrators often refuse to cooperate with supervisors or are disruptive when placed on programmes. Many staff express disappointment that perpetrators are not remanded in custody and that this is seen by them as a signal to continue campaigns of stalking.

Breaches of restraining orders are commonplace and usually result in either community orders or short custodial sentences which do not allow for any intervention or treatment. There is evidence that perpetrators breach restraining orders on numerous occasions, indicating that it does not act as a deterrent for most men. Perpetrators frequently breach exclusion zones and punishment for this again tend to be community based or very short custodial sentences. There is also evidence that in many cases threats continue to be made from jail either using illegal mobile phones, through correspondence or in some cases through official phones on prison landings. There is evidence that some men use civil and family courts to continue their campaign of harassment and stalking. Often threats to harm and even kill are not properly investigated, possibly because of lack of resources.

There does not appear to be any consistent way in which the authorities deal with stalking by text, email or information technology. There do not appear to be any controls which regulate the activities of internet services or other social media providers.

Finally there is overwhelming evidence that perpetrators use control, power and manipulation to adversely affect victims. Many victims despair of ever getting resolution or closure. All the evidence points to stalking behaviour being hidden; it needs to be named as a crime and incidents investigated thoroughly.

## Case Studies

All the cases studies submitted by Napo members were harrowing, deeply distressing for the victim and illustrate the need for changes to the law, for more training for practitioners, for stronger sentences guidelines and for victim advocacy. The cases are reproduced below:

### **1 South East**

A 52 year old man was charged with attempted murder. He has over 20 previous offences all against the same victim, involving burglary, breaking and entry, malicious communications, GBH and harassment. For the last 10 years he has stalked the current victim and has also been involved in stalking two other women, the offences overlap. The offending behaviour has involved calls, letters, malicious communications, threats to destroy the victim, announcing a countdown to her death, repeated entry into the home, intensive following, even bugging the victim at home and at work, threats to kill and most recently an attempt to pay for her husband to be murdered. He has conducted extensive research on all his victims and continues to breach all conditions. He was sentenced to life with a minimum tariff of seven years. He has not participated in any community programmes. He did take part in a programme in custody but was completely unresponsive. An indefinite restraining order has been put in place because of the continued harassment of the victim. Concern has been expressed because the offender has been allowed to access IT whilst in prison. Assessments for parole have shown lack of knowledge by prison staff of his psychological state. It was also felt it was inappropriate to get him to do domestic violence programmes when his behaviour was clearly involving harassment and stalking.

### **2. South East**

A 55 year old male was charged with breaching a restraining order. He had previously been convicted of possessing an offensive weapon, two counts of harassment, possession of controlled drugs and breach of a restraining order. He has a 20 year history of sexual offending. The victim has been continually stalked following the collapse of a three month relationship five years ago. This has involved texts, calls, letters, repeated entry into the home, stealing of keys and the targeting of friends and family in order to isolate her. He has left messages and gifts. Sometimes the messages are threatening in tone. There is a possibility that he killed the family pet. He was released from a recent prison sentence to a hostel but absconded and continued to target the victim. He was then recalled. He has made scores of internet searches related to the victim. He has received 30 months for the index offences. An attempt was made to put him on a community programme but he was untreatable and did not complete. There is now an indefinite restraining order in place.

### **3. South East**

A 44 year old male was charged with wounding with intent x 2. He had previous offences of wounding, criminal damage, theft and possession of an offensive weapon. He has a long history of domestic violence and of stalking two previous partners when their relationships ended.

There were numerous domestic violence callouts against both partners and a child who was not his. He also attempted to strangle one of his partners. He used others to monitor both partners movements, had broken into their property or had been seen observing it and continued to send offensive letters from prison. He received a life sentence with a minimum tariff of 50 months. He did participate in a programme whilst in custody. The course was unsuccessful as it wasn't relevant to his offending behaviour and he was resistant to doing the work. He was thought to be highly manipulative whilst in prison. There is currently no restraining order in place. The police have received multiple complaints from both the previous partners. The second victim produced a victim personal statement for the Parole Board and the Parole Board responded by wanting to call her to give evidence where she would be cross examined by the perpetrator. The prosecution objected to this pointing out it would be a further act of harassment and would increase the risk. The Parole Board concurred.

#### **4. South East**

A 40 year old male was charged with wounding with intent, GBH, ABH and witness intimidation. All the offences were against a former partner and also a local sex worker. He had previously been convicted of possession of an offensive weapon, threats to kill and false imprisonment. His partner had ended the relationship because she felt concerned about his intense behaviour. Subsequently he started to call her repeatedly and when she changed her phone number he broke into her house with a knife and kicked her causing numerous fractures. He was interrupted and fled. Whilst on the run he continued to harass the victim by phone making more threats to kill her and her children. Associates of the offender also attended the victim's home and issued threats. The sex worker had been abducted whilst he demanded sex without payment. He received eight years. He participated in a domestic violence programme whilst in prison but in a relapse prevention course said he was still angry about the victim and was still thought to be a risk. Probation has stated they had to battle with the justice system to get the risks identified in this case and recognised and were concerned that he appeared to be making progress in prison but was still deemed to be high risk.

#### **5. South East**

A 29 year old male was charged with ABH. He had no previous convictions, however there was a long history of domestic violence during his relationship, with increasing violence and frequency. He controlled his partner, wouldn't let her out, he refused to let her have contact with her family, he controlled money and refused her medical attention after the birth of a child. She eventually left but child contact was agreed with social services. He used this to start arguments with her. He then continued to call, text, turn up at places she would go and made threats to kill her. He did leave the country for a short while but then when he returned the behaviour continued resulting in a serious assault. He received a 15 month custodial sentence. He has not been on any community or custodial programmes. Although the offender has no connections with the area other than where the victim resides she has decided to move for own safety.

## **6. South East**

A 19 year old male was charged with ABH which involved beating the victim, trying to burn her, forcing her to take medication and then attempting to set fire to the house. He had previous convictions for assault, which were all domestic violence related, on five separate occasions. She had tried on previous occasions to end the relationship but she was then harassed with calls, texts, appearing at locations where she would be and following her. He was sentenced to 14 months imprisonment, has not participated in any programmes and was eventually the subject of a deportation order. He continued to harass her through telephone calls from a deportation centre and has now been forcefully taken from the country. She has real fears that he may try and re-enter Britain through ports.

## **7. Yorkshire**

A 40 year old male was charged with criminal damage, harassment and common assault. He had numerous previous convictions including driving matters, possession of an offensive weapon, criminal damage, arson and failure to provide samples. He separated from his wife and she pressed charges because of the violence. He continued to send text messages and left voicemails threatening to kill her and her new partner. He was serving a custodial sentence and was on licence and was then recalled after threatening one of his wife's friends in a public house. He phoned her mobile phone 30 times in one evening and was frequently found drunk outside her house making gun gestures with his hands. On this occasion he received an extended sentence of 45 months. He did participate in a community programme but stopped after being recalled to custody. He has had numerous conditions on community orders and licences not to contact the victim and there have been restraining orders in place but he has persistently breached them. The probation officer states that the case has taken up a vast amount of resources and continues to do so. Eventually the offender will be released again on licence and this is causing great stress to the victim.

## **8. Greater London**

A 30 year old male had an index charge of arson. He has however eight previous convictions over a 10 year period including burglary, criminal damage and common assault, breach of community orders, further criminal damage and assault of his ex partner. According to his probation officer over a period of several years his current behaviour shows evidence of established patterns of violence and abusive behaviour not only towards his ex-partner but to her new partner. He received 18 months for domestic related violence but continued to make threats to the victim and also to the probation officer who was writing the report. He was told to live at a hostel, left the hostel in order to go to the victim's house and did not return. He received a 19 month custodial sentence for the index offence and has not participated in any programmes.

## **9. Yorkshire**

A 30 year old male had an index offence of harassment. There had been previous convictions of criminal damage, shoplifting, violence against a child and three counts of domestic violence. He tended to follow the victim, a former partner, turning up at her home, her children's school and a friend's house.

He received 15 months custody for the index offence. He had attended a community programme but the harassment continued. The current offence is the second against the victim. The first involved holding a knife to her throat in front of her child whilst they were on the way to school. The second offence involved persistent stalking and harassment. Probation staff believe it would have been helpful if the court had given him an indefinite restraining order for the second offence, but this did not happen.

## **10. South West**

A 34 year old male was charged with breaching a restraining order and continued harassment. There had been two previous convictions for harassment, breaching a restraining order, sending offensive messages and a long history of acquisitive crime. He had been involved in significant harassment and threatening behaviour since the breakdown of the relationship in 2008. There had been numerous police callouts and convictions. He was regarded as one of the most dangerous men in the county with real risks of immediate likelihood of serious harm, even death, to his previous partner. He has already been on remand and subject to two suspended sentence orders with various requirements and is in breach of those. He was not deemed suitable for community programmes because of a significant alcohol problem. He was regarded as very high risk. Probation paid weekly home visits to try and ensure the victim was safe. He was offered a two week residential detox course but that proved extremely difficult. At one stage he confessed to the police that he had been waiting for his ex partner with the intention of killing her. He is currently awaiting sentence for the most recent charges and has been on remand for three months.

## **11. North West**

A 34 year old man was charged with harassment. He had no previous convictions. The police recorded stalking behaviour over a nine month period. Not all was proved in court but the evidence was extensive and included text messages, letters, requesting cosmetic surgery material be sent to the victim by mail order, attacks on the victim's and the her family's cars at home and at work places. The offender actually flew to another country to send letters to the victim to make her believe they came from her current partner. There was an arson attack on the home of the victim's extended family whilst they were at home. The offender and victim were never actually in a relationship but the offender wanted to be. The victim was unaware of where the letters and texts were coming from for the first few months and the offender actually befriended her for some time. He received an eight week prison sentence suspended for 24 months with 12 months supervision and 200 hours unpaid work. He has not participated in any programmes.

The man was described as high level of risk at MAPPA, was difficult to work with and had narcissistic and psychopathic traits. The court report author requested a psychological assessment but the court refused and instead imposed a supervision order. There is concern that without specialist guidance the work probation did with him might be counterproductive and increase risk.



## **12. South East**

A 37 year old male was charged with breach of a restraining order x 2. He had numbers previous convictions for harassment and breach of restraining orders. He had been stalking his victim for eight years, following her relentlessly, bombarding her with unwanted gifts, making silent phone calls and had broken into the her car. He also downloaded photographs of her wedding. He had also taken civil proceedings against her in an attempt to have indirect contact with his victim, in effect claiming that being unable to do so would breach his human rights. Subsequently the CPS failed to prosecute him for breach of a restraining order and this is also now the subject of litigation. His victim lived in constant fear, is suffering from post traumatic stress disorder and has developed an eating disorder. She has moved house on numerous occasions to try to escape. He is currently waiting a court hearing. He has participated in no programmes in either the community or in prison. An indefinite restraining order is currently in place.

## **13. South East**

A 30 year old male had been convicted of breach of a restraining order x 2. He has previous convictions for threats to kill, attempted murder, battery, scores of offences of harassment and beach of a restraining order. He served four prison sentences between 2008 and 2010. He was released on licence but recalled for breach of his bail conditions. He has waged a three year campaign of stalking against a former partner involving breaking into her home, threatening to kill her. There are over 90 instances of actual harassment recorded including texting and threatening phone calls. He has been the subject of proceedings under the Protection from Harassment Act on four occasions. He received a 6 month prison sentence for the index offence. He has not attended any programmes either in the community or in prison.

## **14. North West**

A 25 year old male was charged with causing alarm and distress, making threats to kill and criminal damage over many months. He had previously been convicted of common assault, harassment and motoring matters. He received an Indeterminate Public Protection sentence with a 2 year tariff. Whilst in custody he did participate in a programme but although he completed it concerns were expressed regarding his attitude to women. He was charged under the Protection from Harassment Act with five counts of harassment and additionally there were seven assaults and a sexual assault. He had subjected the victim to a prolonged period of harassment and stalking including threats to kill and forcing the victim to partake in non consensual sex from which the victim had a child. The victim felt vulnerable and unprotected by the criminal justice system. The defence solicitor attempted to prove that the offender's human rights had been abused because of his right to family life. There were continued fears from the victim that the offender would press for contact with the child against her wishes.

## **15. North West**

A 24 year old male was charged with common assault, harassment and two counts of breaching a restraining order. He had previous offences of common assault. The evidence of stalking first came to light after a relationship was discontinued and there was a charge of common assault. A restraining order was then put in place but it was breached and the offender became more obsessed. He was also said to have made up untruths about his previous life, fabricating a son, to the extent that the police charged him with wasting their time. Probation actually saw numerous texts that he had sent to the victim when there was an existing restraining order and these were used as evidence of breach. He was sentenced to a community order with a restraining order which was breached and then followed by a short period in custody. He was placed on a community programme to deal with anger management but was taken off programmes on four separate occasions because he was disruptive and sexually inappropriate comments. Probation was concerned about the so called low level of activity in the case which was escalating, but the victim was not telling the police because she thought she could deal with it.

## **16. South West**

A 31 year old male was charged with breach of a restraining order. He had previous charges of harassment x 3, three breaches of a restraining order for which he had received two short custodial sentences of eight weeks followed by 12 months. He had met the victim in 2008 and pursued a continuous course of harassment for several years. He paid no regard to orders and persisted with behaviour despite two custodial sentences. A psychiatric assessment suggested he had an anti-social personality disorder and concern was expressed about the escalation of the risk. He received a further custodial sentence of 21 months for the offence. He has not participated in any programmes in custody. He had been released from his second custodial sentence but was recalled because he entered the exclusion zone.

## **17. South West**

A 44 year old male was charged with harassment under the Protection from Harassment Act 1997. He had previous convictions for theft, driving with excess alcohol and criminal damage. He has been breaching restraining orders since 2003. He admitted that his relationship with the victim had been violent and received two cautions for assault during the course of that relationship. The victim says she was punched in the face and that he was continually verbally abusive towards her particularly following excess bouts of alcohol. He received a suspended sentence for nine months plus a two year community order with a condition that he participate in a domestic abuse programme.

## **18. South East**

A 37 year old male had index offences of GBH and breach of a restraining order on two occasions. He has 29 convictions mainly acquisitive and driving matters but also previous for violence offences against partners. He is thought to be high risk. His victim had repeatedly tried to leave him because of his violent and controlling behaviour. He collects weapons and had made threats to kill her if she left. When she did leave he called her, texted her, followed her and threatened her.

He also harassed family and friends to try and prevent them from contacting her. From prison he sent continuous letters saying they would be together when he was released and how and where he would meet her on his release date. He received 18 months in prison for the index offence. He has not participated in any community or custodial programmes. A restraining order will be applied for when he is released on licence. The victim is now considering moving area in order to set up a new life, to protect herself.

## **19. North East**

A 53 year old male was charged with harassment and burglary. He had one previous conviction for harassment. He has a history of making phone calls to his ex-partner, following her when she was visiting friends, sending text messages that he knew where she was. He broke into her home and stole notebooks and accessed her computer. He was then found hiding in her garden. This was all over a period of 12 months. He was given a 12 month community order with a condition that he take part in a domestic abuse programme. He did participate in the programme but it made little difference to his behaviour. He breached his order by phone but the victim refused to allow the police to confront him about his behaviour. Probation has experienced difficulty with her disclosures coupled with her refusal to make them formal.

## **20. Yorkshire**

A 44 year old male was charged with breaching a restraining order. He had a lengthy history dating back 20 years of acquisitive crime used to fund substance abuse and also an early pattern of violent offences targeted against female members of his family and eventually his former partner. He breached a restraining order on two occasions and has been seen in the vicinity of shops that she visited and her residence and repeatedly asked to see his children. He becomes verbally abusive and threatens to harm the victim if she does not let him see the children. He was given a 12 month community order with a condition that he take alcohol treatment. He did participate in the programme and has completed. Unfortunately he then breached the order again and has spent two months in custody but did not engage with any programmes. A further restraining order has now been granted, not allowing him to contact her and also a geographical prohibition zone. The probation officer believes there is continued high risk of harm.

## **21 South West**

A 32 year old male was charged with possession of cannabis, false representation, theft and criminal damage. He has a long pattern of failing to comply with community orders and of reoffending. His previous includes 27 months imprisonment for robbery, a suspended supervision order for possession of an offensive weapon, a conditional discharge for assault against a police officer, a 12 month conditional discharge for attempted arson and other offences involving domestic violence and burglary. He had been stalking his former partner who had moved to a different area to escape the domestic abuse and unwanted attention. He found out where she was and moved to the same area. Warrants were issued for his arrest and for breach of exclusion orders. Much of his past offending behaviour is related to stalking his previous partner.

The criminal damage related to breaking a door where she was residing. The molestation continued throughout periods when he was on bail despite continual re-remands in custody. He received a further nine month community order for the third breach of restraining orders. He has not participated in any programmes over an eight year period and staff think this will continue.

## **22. Yorkshire**

A 51 year old male was charged with harassment. He has previous convictions for wounding the same victim and criminal damage in respect of smashing windows at his previous partner's house after an argument. He also has a conviction of GBH against a stranger. Earlier this year the offender's former partner was going to work and noticed his car parked nearby. This happened on repeated days over a six month period. The police attended and he was arrested for harassment. They had previously been in a relationship for seven years. The offence of wounding occurred in 2009 and he continues to cause the victim alarm and distress. He was sentenced to 52 weeks in prison, suspended for 18 months with exclusion requirements not to go near the victim's work or home. Despite the behaviour he did complete a domestic violence course with positive reviews. A restraining order has now been imposed.

## **23. South West**

A 36 year old male was charged with ABH and criminal damage. There had been several police callouts for violence against his partner and also offences of burglary, fraud and drink driving. He has continued to try to contact his victim throughout the duration of a recent prison sentence despite blocks being put in place by the prison, banning letters or phone calls. He received 12 months custody for the index offence. He has not participated in any programmes either in the community or custody. He was recalled on the day of his release for breaching licence conditions. He failed to report to probation, went into a different county and attempted to contact the victim, being actually arrested outside her house. Despite the continued harassment and contacting his victim immediately his sentence expired he was taken back to court for harassment but was immediately bailed. The harassment continued and at the time of writing he is currently remanded awaiting sentencing on two breaches of restraining order and breach of bail.

## **24. Midlands**

A 33 year old male was charged with assault and battery. He had a previous pattern of acquisitive offences, assaults, robberies, a history of domestic abuse towards two ex-partners and family members. The index offence included an attempt to stab the victim. For a period of months he sent threatening letters to the victim and victim's children whilst in prison following breakdown of the relationship. He also sent threatening text messages, attended her place of work in an attempt to get her fired and broke into her parents' residence and threatened them. Harassment threats and physical violence were also recorded against immediate family members. No-contact licence conditions have been put in place with regard to all ex-partners, children and immediate family members. He received a 16 month custodial sentence for the assault. Despite the continued harassment he completed three programmes whilst in custody, all with good reports.

## **25. North East**

A 25 year old man was charged with a serious assault and breach of a community order. He had previously been convicted of affray and many public order offences, several assaults mainly against a previous partner. There was evidence that the offending behaviour was increasing in frequency and severity. He has completed a significant amount of offence focussed work aimed at reducing his risk of domestic violence. He nevertheless continued to commit further domestic violence against his former partner. For the current offence he received a 12 month custodial sentence plus three more months consecutive for breach of the order. He has taken part in domestic violence programmes in the community. He has been recalled to custody for breach of licence in relation to molestation of his former partner. Currently there is a restraining order which will be in place for three years. The victim believes that the persistent behaviour is not being punished rigorously enough.

## **26. Yorkshire**

A 54 year old male was charged with breach of a restraining order. This was his first offence. He had been in the same relationship for 11 years. The relationship then ended and the harassment started when the ex-partner entered a new relationship. The harassment continued despite restraining orders and continued breaches. On this occasion he received a 12 month supervision order plus a 12 month exclusion order. He did not participate in any community programmes. Probation staff believe there has been a major breakdown in communications with the offender repeatedly breached and harassed the victim irrespective of the police apprehending him and presenting him before the courts. No effective action was taken. This continued to be the case until the victim made repeated complaints about how she was being treated. However it was too little, too late.

## **27. North Midlands**

A 48 year old male was charged with breaching a restraining order. There had been previous convictions for assault in a domestic violence context and three previous breaches of restraining orders. There was a considerable period of stalking including living in the victim's shed, observing her movements consistently. For the index offence he received a 12 month suspended supervision order. He has not participated in any community programmes. He is known to have breached his restraining order three times. He has received two short custodial sentences in the past of less than 12 months. There is currently a restraining order in effect. Probation believes it is clear that short prison sentences do not make an impact on this type of offending. Sentences that address this type of behaviour need to be developed.

## **28. Lancashire**

A 39 year old man was charged with harassment. He had a number of previous convictions including acquisitive crime, sexual abuse of a half-brother, threats to kill and domestic violence. The stalking behaviour has been going on for three years. He received a community order for two years.

He is said to have been responding to supervision by focussing on his sexual abuse, his poor attachments and his addiction to drugs. Probation believe he may be suffering from post traumatic stress disorder. The perpetrator comes from a professional background and was able to express feelings well compared with most others convicted of similar offences. The victim also came from a professional background and was able to put forward an articulate victim impact statement, which again is thought to be rare.

## **29. East Midlands**

A 19 year old male was charged with harassment, actual bodily harm, grievous bodily harm and breach of an order. He has previous offences of burglary and fraud. His stalking behaviour varied from telephone calls to threatening to burn down his ex-partners flat with her young son inside. Text messages also contained threats and the victim was being pressured to meet up with the perpetrator. He received a two year community order with supervision. Because of an immediate breach this was varied to six months imprisonment. He has not participated in any programmes and was subsequently released on licence but again breached and was sent back to finish his sentence. Probation believe that more information needed to be shared from the police in order to protect the victim.

## **30. South West**

A 43 year old male was charged with breaching a restraining order. He had already been convicted of harassing the same victim and received a conditional discharge. The harassment continued and was followed by a two year restraining order which was repeated two years later. He has also previous convictions for theft, driving with excess alcohol and criminal damage. He received a suspended sentence with supervision attached for nine months. He has not participated in any community programmes. Although the victim had to complain on a number of occasions it was eventually dealt with promptly by the police.

## **31. South West**

A 44 year old male was charged with harassment. He had previous convictions for theft and criminal damage. He admitted at interview that he had been violent towards his partner from the beginning and had received a number of cautions. He subsequently admitted punching the victim in the face. There were a number of other incidents of domestic violence which again were dealt with by cautions. Eventually the partner left. He continued to be verbally abusive and played 'mind games' with her over a number of years. The behaviour has been ongoing for nearly 10 years. For the current offence he received a 24 month community order with a condition that he attended a domestic violence programme. He attended the programme but failed to complete.

### **32. South East**

A 37 year old male was charged with grievous bodily harm and breach of a restraining order on two occasions. He has 29 previous convictions for over six offences, mainly acquisitive crime and violence against previous partners. Over the previous two years the victim had repeatedly tried to leave him because of violence and controlling behaviour. He collected weapons and made threats to kill her if she left. He completely isolated her during the relationship. When she did leave he called, texted, followed and threatened her. He also harassed her family and friends to prevent contact. From prison he continued to send letters saying they would be together on his release and where and when he would meet her. He received 18 months for the index offence. He has not participated in any programmes, partly because of the time in prison and on remand. He was recalled to prison on the day of his release as he went to the area where the victim was living and was late back to his hostel. The victim has now been moved to a safer area and is attempting to set up a new life and receiving support from probation and the police.

### **33. South East**

A 48 year old male was charged with murder. He has no previous convictions. His relationship with his partner ended four months previously. He was unable to accept it. The victim endured months of threats, violence and harassment. The police were called out on numerous occasions. He was found spying on her at night, attempting to break into her home and photographing her. He cut the brake pipes of her car two weeks before the murder. Police did not follow up the complaint. He was also tried to involve her extended family in the campaign to try and get her back. He was also said to be very competent with IT. He received life with a minimum tariff of 14 years. He has not participated in any community or custodial programmes. In probation officers' opinion the police did not recognise the level of risk in this case.

### **34. South East**

A 45 year old man was charged with Section 18 wounding with intent and possession of a firearm. He had a previous history of drug possession, grievous bodily harm, possession of a weapon and breaking the arm of a child. He received an indeterminate public protection sentence with a minimum tariff of four years. He became convinced that his former partner had entered a new relationship and put them under surveillance. He even installed listening devices in their homes and followed them. He targeted his male victim when he arrived home one day, was dressed in army cloths, walked into his home holding a gun, tied him up and blindfolded him, interrogated him, poured hot water over his legs and refused to give him assistance. Threats to kill were issued if he went to the police. His former female partner said he was extremely controlling whilst in the relationship and after she left him he would call, text and email all the time. He asked to participate in a custodial programme but there was concern from staff about his manipulative behaviour. The offender was summarily discharged from the army.

### **35. East Midlands**

A 44 year old male was charged with breach of restraining order x three all resulting in community sentences. For the index offence on this occasion he received a 12 month suspended supervision order. The stalking behaviour had been ongoing for five years. There had been sporadic periods of harassment. At one time the victim was reporting breaches daily. He was later convicted for assaults on a new partner who also suffered harassment for a period after the breakup. He has participated in a domestic violence course in the community but it was discontinued because of further breaches of restraining orders. The probation officer believes that cases like this are looked on as low level domestic violence yet have the potential to escalate quickly to serious violence and even the death of women and children. She reports that in her area there is an increase in the number of men being convicted for breach of restraining orders but she doesn't think they are being dealt with effectively. Cases are not dealt with even within probation areas consistently. The harassment in this case has been going on sporadically for 20 years and has been very intense for the last six years.

### **36. South West**

A 50 year old male was charged with sending threatening messages. He had previous convictions of violence and theft and there was unreported domestic violence. Stalking behaviour had been ongoing for a number of months, taking the form of unwanted phone calls and visits to the property. He received a two year community sentence with a condition that he attend a domestic violence programme. He has attended that programme, which is ongoing. The unwanted behaviour was reported on several occasions to the police and the matter was eventually handled well by the local constabulary.

### **37. South West**

A 26 year old male charged with actual bodily harm had previous offences of possession of an offensive weapon. He had along history of domestic abuse but no convictions and just one previous police call out. The behaviour happened after the partner became pregnant and there were concerns about the children if the partnership continued. After the break-up he pursued his victim on Facebook, made persistent phone calls and turned up at the where the victim worked and where she lived. He received a two year suspended supervision order with a condition of a domestic violence programme plus a two year restraining order. He has attended a community programme but didn't complete as the suspended sentence order was revoked because of a breach. However the magistrate's court continued to bail the man despite representations from the Crown Prosecution Service and probation officer that the risk could not be managed in the community. He eventually pleaded guilty to two breaches of the restraining order but only after he had been remanded in custody over another assault. He then received a custodial sentence of three months – one month for each breach and for the assault. Staff believe that the failure to remand in custody sent a message to the offender that he could continue to break the conditions of his order. Had he been remanded the assault and risk to the child would have been avoided.



### **38. South East**

A 34 year old man was charged with outraging public decency involving exposure in front of the person he was stalking. He had previous convictions for burglary and theft. He was known to carry weapons but had not been convicted. Before the current conviction he had been stalking three women at the same time. Going to their homes, watching them through the windows and even watching one having a bath. This was when he exposed himself. He followed the victims down the street. One case was proceeded with, the one that was thought to be the strongest. He received 16 months custody but because of time on remand he was released within weeks. He has not participated in any programmes. When he was released on licence he did not live at the designated address. He was subsequently picked up by the police, bailed and failed to turn up for further harassment. He was arrested again, given a suspended sentence for the new stalking offence, was again recalled and it has now been decided he will be deported when his sentence expires later this year. One victim so was concerned she moved out of the area rather than apply for a restraining order. The probation officer felt he was not given a sufficient sentence. The time spent on bail or remand meant he was released very quickly putting the victims at further risk. There was also concern that charges relating to the other victims were not proceeded with because they were not as strong. He was repeatedly given bail despite a history of non-compliance.

### **39. South East**

A 43 year old male was charged with actual bodily harm. He had previous convictions of threatening behaviour and assault against the same partner and many non recordable offences which were not actioned. He received 12 months custody for the current offence. He had a long history of domestic violence, violence, controlling and isolating behaviour, sexual assaults, attempted strangulation, threats to others including the victim's parents and has been said to have abused animals in the past. The victim has tried to leave on a number of occasions but relented because of fear. Once when she did leave he would break into her house and wait for her and abused her, made numerous telephone calls and followed her. He continued to write her abusive letters from prison as he would not accept that the relationship was over. He has participated in community programme but was not able to say what he had learned from it. The offence happened whilst he was on the programme. The probation officer believes the short sentence meant that no constructive work could be done with him. The prison was not blocking his letters to the victim. They did try and stop letters on one occasion but he was moved to another institution and started again. On release he was placed in a hostel out of the area with an exclusion zone and protective measures for the victim.

### **40. South East**

A 23 year old man was charged with actual bodily harm, breach of a community order and criminal damage. He had previous convictions for common assault, driving offences, excess alcohol, robbery with a weapon and previous stalking offences for which he was not prosecuted. He received a 17 month custodial sentence for the index offence. He was said to be in a relationship which became increasingly violent and controlling.

The female had tried to leave him but had gone back because she felt at risk. The relationship ended when he went to prison for robbery. After release he pursued the victim on Facebook. He went to her home, seriously assaulted her and threatened to kill her and her new partner. He had not attended any programmes either in custody or the community. An indefinite restraining order has now been put in place. The victim had not reported previous domestic violence which now admits to the police occurred. In the probation officers view the sentence was inadequate in order to deal with the offending.

#### **41. Lancashire**

A 28 year old male was charged with harassment. He had no previous convictions. The stalking behaviour involving following and phone calls had been going on for two months. He received a 24 month supervision order. He has not attended any programmes. The victim had made two previous complaints to the police before the matter was actioned.

#### **42. Yorkshire**

A 50 year old female was charged with criminal damage and harassment. She had previously been convicted of harassment and also theft. The victim was her ex-husband. She was convinced he was in another relationship, particularly whilst she was serving a custodial sentence. She admits to waiting outside his home, hoping he would speak to her and would follow him and send him texts begging him to come back. On occasions the texts became abusive. She would follow him to his place of work and his local pub. She found it impossible to deal with rejected advances. She was first issued with a harassment warning three years ago, was bailed and told not to have any contact with her ex-husband or new partner or go within a mile of their property. However she continued to make phone calls and send texts. She said she did not take the police warning seriously. The harassment continued and she was eventually sentenced to a 12 month community order with a condition of supervision. She did not take part in any programmes. She continued to contact the husband, the order was breached and she is now awaiting resentencing.

#### **43. London**

A 30 year old male was charged with harassment and breach of orders. He had several previous convictions for violence following the end of the relationship with his partner. He would show up at her home and on one occasion showed her a handgun and fired shots into the ground outside her home in order to intimidate her. There was a young child inside the property on one occasion. He constantly requested money and made unwelcome contact with her. He received a two year custodial sentence, was recalled very quickly and is now back in prison. He continued to make loosely veiled threats to her and said he would come to see her on his release. He blames the victim for all his problems. The victim has told the probation officer that she is very fearful about his release and has heard from associates that he remains extremely angry with her. He is deemed at high risk to intimate partners generally. It is thought he may have a personality order and that he will be difficult to manage on his release.

#### **44. Thames Valley**

A 57 year old male was charged with breach of a restraining order, possession of an imitation firearm and a hoax bomb and criminal damage. He had previously been convicted of breach of restraining orders on a number of occasions. The stalking has been prevalent for a number of years, mainly sending offensive letters and breach of restraining orders. The current offence led to a siege of the offender's property. He eventually escaped through an upstairs window. He received an indeterminate public protection sentence with a minimum tariff of four years. He has not participated in any community or other programmes. The police responded well to the various offences and the victim was happy with the support offered.

#### **45. Thames Valley**

A 21 year old male was charged with harassment and breach of a restraining order. He had previously been convicted of the same offences plus common assault and indecent sexual assault. The stalking behaviour occurred over a three month period. He constantly attended the victim's address, on one occasion harmed with a knife and an imitation firearm. He previously had a custodial sentence for breach of a restraining order and continued to write threatening letters from prison to the victim by addressing them to a third party who passed it on to her. For the current offence he received a two year community order with a condition that he attend a domestic violence programme. This is not yet done. The probation officer is concerned about the prison service security measures. The victim was effectively re-victimised by the threatening letters sent to the victim's mother and then passed on.

#### **46. South West**

A 43 year old male was charged with breaching a restraining order. He had previous convictions of harassment against the same victim and had previously received a two year conditional discharge and two restraining orders. The stalking behaviour has been carried out over a five year period. He received a 12 month suspended sentence for the current offence. He has not taken part in any custodial programmes.

#### **47. South West**

A 28 year old male was charged with putting an individual in fear of violence by harassment. He had no previous offences. The stalking behaviour was mainly around emails with threats of a sexual element. He received a four year custodial sentence. He has not participated in any programmes. His probation officer felt he did not meet the criteria for domestic abuse programmes and felt that something else needed to be developed with addressed obsessive behaviour and risk taking. A restraining order has been in place until further notice.

#### **48. East Midlands**

A 46 year old male was charged with breach of a restraining order plus assault on police. He had previously been convicted of dishonesty, several assaults and threatening behaviour mainly relating to consumption of alcohol. The harassment behaviour has been going on for 18 months and involved battery, for which he received a 30 day custodial sentence. He received 48 days for common assault, one day for harassment and breach of an order and 100 days for further breaches of orders. He was released earlier this year then continued harassing and was taken back to custody. For the current offence he has received six months imprisonment. He has not taken part in any programmes. He has been recalled in the past for failing to reside in a probation hostel. He has also been the subject of a restraining order against another victim.

#### **49. East Midlands**

A 42 year old male was charged and remanded for a Section 18 assault. He had previous convictions for violence dating back over a 20 year period, including kidnap and witness intimidation. He has also been charged with assaulting a child. He had prohibition activity requirements placed on him before. He is currently on remand for breaching a no-contact condition. He has now been charged with GBH on a previous partner. He has previously breached no contact conditions. He has not taken part in any community programmes. He has continued to try to contact the victim directly and via his mother whilst remanded in custody. The police have not yet interviewed him regarding these additional breaches.

#### **50. West Yorkshire**

A 40 year old male was charged with breach of a restraining order. He had previously been convicted of the same offence. The offences were committed against his ex-partner. He was given a community order for 12 months plus 80 hours unpaid work and participation in a safer relationships programme. He completed his unpaid work hours without breaching. The probation officer felt the imposition of restraining orders should be used more frequently and incidents reported on swiftly.

#### **51. West Yorkshire**

A 42 year old male was charged with breach of a restraining order and sexual assault. He had one previous conviction for breach. The harassment behaviour involved sexual touching and physical force. He is currently on remand waiting court reports. The victim has applied for a restraining order. The probation officer said that consideration must be given to remanding for breaches as his release on bail left the victim open to further harassment.

#### **52. West Yorkshire**

A 35 year old male was charged with two breaches of a restraining order, threatening behaviour and criminal damage. He had previous convictions on three occasions for breaches and for violent assault. The stalking behaviour had been going on for three months. He has not yet been sentenced. As at the time writing it was at the court report stage. He had not participated in any programmes.

### **53. West Yorkshire**

A 36 year old male was charged with harassment. He had no previous convictions. His relationship had broken down in autumn 2010. The offender then persistently harassed the victim until she reported it to the police in April 2011. He would continually attend at the victim's property, almost on a daily basis. He caused damage to property by smashing windows and doors and breaking and entering. He also threatened to set fire to the victim's house on several occasions. He would also follow her to friend's houses and then ring her and say he knew where she was. On at least one occasion he hid in the boot of her car whilst she drove to a friend's house using keys that he had kept. He was given a 12 month supervision order and a condition that he do 100 hours unpaid work, and an indefinite restraining order. He has participated previously in community programmes but only unpaid work. It is of concern to probation that it took seven months before the behaviour was reported to the police.

### **54. West Yorkshire**

A 48 year old male was charged with Section 39 assault. It was not known what previous convictions he had. He had been in a relationship with a victim for 30 years. After it had broken down he would constantly text and ring to check on her whereabouts. He was eventually charged with assault against the victim and as part of his bail conditions had to reside elsewhere. He was able to intercept voicemail messages of the victim and on one occasion was waiting outside her property with a hammer in his hand and in an intimidating manner. Immediately following sentence he attended the victim's property, thereby breaching a restraining order. He was verbally abusive to the victim and assaulted her new partner. He was then charged with breach of a restraining order. He continued to leave abusive voicemails on the victim's phone, threatening to damage her property. He met her in public and was verbally abusive so that she was fearful for her safety. She ran into a shop and asked for the police to be called. Nevertheless he was given a 12 month community order with an indefinite restraining order and an order against him of costs and compensation. He has not participated in any programmes, has breached the restraining order again and is awaiting sentence.

### **55. West Yorkshire**

A 53 year old male was charged with harassment. He has an extensive history of following, turning up late at night at the victim's property and breaking into her house. The police record dates back to late 2009. He was given a community order for 24 months and a condition he attend a domestic abuse programme. He attended the domestic abuse programme and had previously done programmes in custody and had responded not well to them and was disruptive. The victim currently has a police alarm at her home. She felt let down by the justice service, particularly victim support, so stopped engaging with them because they failed to understand her predicament. The case is complicated by the fact that the victim occasionally continues the relationship with the offender. He is regarded as medium risk by MAPPA.

## **56. West Yorkshire**

A 23 year old male was charged with breach of a restraining order. He had a previous history of convictions for harassment, theft and affray. He had harassed his victim over a three year period, sending large numbers of texts, phone calls and loitering outside her home. He is still awaiting sentence for breach of the restraining order. It is thought he will receive a community sentence. He has participated previously in unpaid work and has a previous restraining order.

## **57. Greater London**

A 35 year old male was charged with criminal damage. He has previous convictions for common assault on four occasions and breach of a suspended sentence order. He has a history over many years of short term relationships and when they end he emails, makes phone calls, attends their property and destroys property, until a new relationship starts. He constantly breaches restraining orders and is seen as excessively jealous and controlling. He was given a suspended supervision order for the index offence. He has in the past been on a domestic abuse programme but was suspended because of his behaviour on that programme. Probation feels that this case shows how limited the criminal justice system is in repeated cases of harassment and stalking. They believe that this individual should have been referred to mental health services.

## **58. Greater London**

A 48 year old male was charged with common assault. He had previous offences of assault on a police constable. The harassment of the victim followed the breakdown of a 20 year relationship. She reported domestic violence within that relationship, repeated phone calls, attending her property and trying to get indirect contact with children. He was given a two year suspended sentence. He has participated in alcohol treatment and looked at mood management. He did start IDAP but breached his restraining order so it was discontinued. He is thought to have breached restraining orders on numerous occasions in the past. Probation believe there should be specific interventions developed for deniers of domestic violence and offenders who struggle to accept a relationship is over.

## **59. Greater London**

A 19 year old offender was charged with breach of a restraining order. He had no previous convictions. He had been involved in a 12 month campaign of harassment and stalking, over the phone and attending her house. He also approached family members and ex-partners. He has attended programmes and responded reasonably well.

## **60. West Midlands**

A 28 year old man was charged with harassment and putting people in fear of violence. He had previous convictions for possession of offensive weapons and affray. The harassment took place over a three month period in 2011. He constantly drove past the victim's house, slowing down when he saw her or the children outside. The case has not yet been heard. He has not been on any community or custodial programmes. The court is likely to impose an indefinite restraining order. The victim says she reported numerous incidents of domestic violence. The police have stated that due to the time elapsed it was not possible to check if this was true.

## **61. West Midlands**

A 32 year old male was charged with criminal damage and harassment. He had previously been convicted of actual bodily harm and burglary. The harassment continued for a six week period but without any overt violence. He was sentenced to a two year supervision order with a condition of a domestic abuse programme. At the time of writing he has not yet commenced the programme. Probation staff feel there should be an automatic restraining order attached to this offence rather than the victim seeking an injunction.

## **62. South West**

A 40 year old male was convicted of sexual offending against children. He has several previous convictions for violence and harassment. The current harassment is of his ex-partner. He was given an indeterminate public protection sentence. He has not participated in any programmes and is still in custody. Probation staff report that repeatedly the victim could not get help at the time of the incidents.

## **63. South West**

A 60 year old male was charged with attempted murder. He had previous convictions for assault. He had been harassing his victim for six weeks. He was given a 12 year prison sentence. He has not attended any programmes. The victim is described as petrified.

## **64. North West**

A 46 year old male was charged with Section 18 assault plus five breaches of a restraining order. He has nine previous convictions for offences against the person including fighting in pubs and harassment of ex-partners who he eventually assaulted very seriously. The harassment had been going on for 12 months. He was sentenced to 54 months for this offence. He had previously completed domestic violence programmes in the community and is also taking a victim's alcohol course in prison. An indefinite restraining order is in place and there have been at least three breaches of restraining orders over the last four years. It seemed from the file that there have been many more incidents of domestic violence than charges laid.

## **65. North West**

A 50 year old male was charged with harassment. He has previous convictions for actually bodily harm. The stalking of the victim has been going on for 14 months. For the index offence he received a six month community order plus a three month curfew. He has not participated in any programmes. A restraining order is in place for 12 months expiring in late 2012.

## **66. South East**

A 42 year male was charged with harassment and criminal damage. He has numerous previous convictions relating to drugs, alcohol and domestic violence. He has over several months monitored his victim's movements either by himself or using friends, sent numerous abusive text messages and has breached bail conditions not to contact her. In the event he was given a 12 month suspended supervision order. He has not participated in any programmes.

## **67. North West**

A 40 year old male was charged with breaching a restraining order. He had several previous convictions for common assault, actual bodily harm and breaches of other restraining orders. He followed his partner continuously over a one year period. For the index offence he received a 24 month custodial sentence. He has not taken part in any programmes. The victim now has an indefinite restraining order against him. Probation report a long record of police callouts before the victim eventually left the relationship. Since then he has continually harassed her and threatened to kill himself. He is now managed at the highest level of MAPPA. He is considered high risk to his children and the public. He refuses to accept his relationship is over and his partner is said to be in fear of her life. He had previously attacked a previous partner and murdered a child, for which he got a hefty custodial sentence. This occurred in the late 1980s.

## **68. North West**

A 46 year old male was charged with breaching a restraining order. He had four previous convictions for breaching restraining orders, three for violence against the same victim and one for intimidating witness i.e. a friend of the victim. There is evidence of harassment over a period of eight years. Prior to that there were a number of alcohol, public order and drink driving offences which on re-examination all involved some form of domestic violence or harassment towards his partner, for example driving away whilst under the influence after assaulting her. For the current index offence he was given three months imprisonment. He has not participated in any programmes. He has previously been recalled from early release after being found drunk and also recalled previously whilst on licence because of threats to kill a social worker. He has had numerous breaches of restraining orders. Probation feel it is essential that court reports put individual incidents in a proper context and that the police notified probation of all incidents so they could be brought to the attention of the courts.



## **69. West Midlands**

A 22 year old male was charged with harassment of an ex-partner via text and Facebook. He was also charged with harassing a new partner by sending unwanted emails and following her. He has previous convictions for common assault, breach of a restraining order, harassment and breach of a restraining order and there are five outstanding incidents in respect to other breaches. The current victim has experienced harassment for over 12 months. He was given a 12 month community order for the current offence and told to attend a domestic abuse programme. That has not yet commenced. The victim was also granted a 12 month restraining order which expires at the end of 2011. Probation believes that all victims must be encouraged to report all incidents of harassment to the police so that they can build a proper picture of abuse. They also feel there is a need to raise the profile of stalking and harassment incidents to increase victim's awareness of the potential dangers and to recognise warning signals.

## **70. East Midlands**

A 43 year old male was charged with common assault and three breaches of restraining orders. He has been convicted on five previous occasions for stalking related behaviour. The harassment of the victim had been going on for some months. He is currently remanded in custody. He has not taken part in any community programmes. There is currently a restraining order in place which is indefinite. However probation reports that short prison sentences have not allowed staff to complete offender behaviour work.

## **71. East Midlands**

A 49 year old male was charged with breach of a restraining order. He has had convictions for several breaches of restraining orders on previous occasions. The abusive behaviour had gone on for many months. He received 126 days sentence for the index offence. He has not participated in any programmes. It is not clear from the file who applied for the restraining order but the presumption is it was the victim. Staff report that the short sentence and the period on remand have prevented any proper assessment or offender behaviour based work.

## **72. East Midlands**

A 28 year old male was charged with breach of a restraining order. He has three previous convictions for harassment and two for breaching restraining orders. He received 140 days custody for the current offence. He has not participated in any programmes. Staff report that the current sentence is so short – he will only serve for 70 days – to allow for any meaningful work to be carried out.

### **73. East Midlands**

A 36 year old male was charged with breach of a restraining order on two occasions and also criminal damage. He has numerous previous convictions for domestic violence and since the imposition of a restraining order there have been three convictions for harassment and breach. He received a 210 days sentence for the index offence. The court has previously imposed a programme condition on him but the files suggest he did not take it up. Again staff report that the short sentence – he will serve 105 days – means that not meaningful work can be undertaken.

### **74. East Midlands**

A 24 year old male was charged with breaching a restraining order. He has previous convictions for battery and four breaches of restraining orders for which he received non custodial sentences, conditional discharge and unpaid work. For the current offence, in the summer of 2011, he received 21 days for breaching the order. He has numerous previous convictions for domestic violence against the same partner. Again staff report that no meaningful work can be done with an offender over a 10 day period.

### **75. East Midlands**

A 46 year old male was charged with harassment. He has previous offences dating back over 20 years including driving matters and common assault. In the recent past he has persistently sent his ex-partner large numbers of abusive text messages over a three month period, including pornography. In the event for the index offence he received 84 days custody. A two year restraining order was imposed by the magistrate's court. In the lead up to his conviction for common assault there were numerous callouts of the police for domestic violence incidents.

### **76. North West**

A 46 year old male was charged with breach of a restraining order. He has four previous convictions for breach of restraining orders and three for violence on the same victim. There is explicit evidence of harassment over a long period of time and also of alcohol related offences. In the event he received a three month prison sentence. He has not participated in any programmes. He has previously been on a suspended supervision order with a condition of unpaid work and there is an indefinite restraining order in place.

### **77. North West**

A 34 year old male was charged with breach of a restraining order. He had previous convictions for manslaughter, grievous bodily harm, he had hit a previous partner with a hammer, he drowned an eight month old child, for which he got eight years. When a new relationship broke down after a custodial sentence he continually harassed her, threatening to kill her and her six children. In the event he was given a further three year prison sentence. He has not participated in any programmes. There is now a long-term restraining order.

## **78. East Midlands**

A 46 year old male was charged with breach of a restraining order and assault on the police. He had previous convictions for dishonesty, assault, threatening behaviour, much of it drink related, over a 20 year period. In the recent past he has been charged with battery against the victim and received 30 days. He got a further 48 days for common assault against the same person and then one day in spring 2011 for breaching a restraining order, a further 10 days for the next breach. He was released from custody recently, was then charged again for harassment, was bailed again and was eventually remanded after an offence of criminal damage. In the event he received a six month custodial sentence. He has not participated in any programmes. He has previously been recalled for failing to reside in an approved premise. The offender is also subject to a restraining order in respect of another victim.

## **79. East Midlands**

A 49 year old male was charged with breaching a restraining order on two occasions. He has three previous convictions for breaching the same restraining order. He has persistently breached the order within days of release from prison and has previously assaulted both his former partner and her son. He is currently remanded in custody awaiting sentence. Staff report that the short sentences have not allowed any meaningful work to be done with the perpetrator. Indeed they are often given short prison sentences of less than 12 months and therefore no licence.

## **80. East Midlands**

A 32 year old male is charged with breaching a restraining order and is currently on remand. He has previous convictions for assault and breaching other restraining orders. He has persistently stalked his victim over a year period. He has not participated in any programmes recently and three years ago was on a domestic violence course but was suspended for poor behaviour. A five year restraining order was imposed in the autumn of 2010. Again staff report that no meaningful work can be done with people on orders of this length.

## **Age of Perpetrators**

Of the 80 case studies 43 of the men and one woman were aged 40 years or older. This represents 55% of the total. Four were aged 21 years or younger, a further 14 between 22 years and 29 years, and the remaining 19 were aged 30 years to 39 years.

The group therefore is significantly older than those normally known to probation. The latest statistics suggest that last year 20% of those on the Probation caseload were aged 40 years or older.<sup>4</sup> The vast majority of those known to the Probation Service are aged under 30 years. The older age range of stalkers reflects the later onset of criminal behaviour. It may be related to the under reporting of domestic violence and the fact that cases tend not to be prosecuted by the police and CPS until a significant pattern emerges following the breakdown of a relationship.

## Index Offence

The majority of men charged appeared before the court for several offences. The principal ones were:

Breach of restraining order	36
Harassment or fear of violence	25
Assault	18
Criminal Damage	15
Wounding	4
Murder	2
Offensive weapon	4
Assault on the police	3
Sexual offences	3
Attempted murder	2

The majority were charged under the Protection from Harassment Act 1997. The other charges where there was evidence of stalking or harassment behaviour involved serious violence, criminal damage or the carrying of weapons.

## Previous Offences

The study shows that 70 of the 79 men and one woman had previous convictions. Again the majority of previous convictions were stalking or harassment related, and were:

Assault	83
Harassment	24
Breach of restraining order	62
Drugs and alcohol offences	15
Theft	13
Criminal damage	10
Offensive weapons	8

Of the 80, eight had 10 or more convictions, a further 15 had between five and nine, 20 had three or four convictions, the remainder one or two and 10 had no previous convictions.

## Sentence for Index Offence

In terms of outcome, 39 received a custodial sentence. The term varied from 21 days for breach of a restraining order to life for murder and three indeterminate public protection sentences for serious violence and wounding.

Custodial Disposals		
	<b>Sentence</b>	<b>Principal Offence</b>
1	Indeterminate Public Protection order (2 year tariff)	Threats to kill, criminal damage
2	21 months custody	Harassment, breach of restraining order
3	30 months custody	Breach of restraining order (5 year campaign)
4	Life	Murder
5	18 months custody	GBH, breach of restraining order
6	Life	Murder
7	Indeterminate Public Protection order (4 year tariff)	Wounding
8	16 months (14 on remand)	Sexual assault
9	Life	Wounding – serial offender
10	8 years	Wounding x 2
11	12 months	Assault
12	12 months	Assault
13	15 months	Assault
14	17 months	Assault and robbery
15	14 months	Assault
16	6 years	Threat to kill
17	Indeterminate Public Protection order (4 year tariff)	Breach of restraining order – bomb hoax
18	4 years	Harassment and sexual offences
19	12 months	ABH, criminal damage
20	6 months	Breach of restraining order – 5 previous
21	60 months	Serious assault
22	19 months	Arson
23	12 months	Wounding and breach of restraining order
24	15 months	Harassment – 3 previous
25	Indeterminate Public Protection order (5 year tariff)	Sexual offence
26	12 years	Attempted murder
27	54 months	Assault – 9 previous
28	2 years	Breach of restraining order – 3 previous

29	3 months	Breach of restraining order – 7 previous
30	120 days	Breach of restraining order – 4 previous
31	140 days	Breach of restraining order – 3 previous
32	210 days	Breach of restraining order – 3 previous
33	21 days	Breach of restraining order – 4 previous
34	84 days	Harassment – long campaign
35	3 months	Breach of restraining order – 7 previous
36	3 years	GBH
37	6 months	Breach of restraining order, assault on police
38	21 days	Breach of restraining order – 5 previous
39	84 days	Breach of restraining order – 3 previous

The range of sentences handed down reflects how serious stalking behaviour can become and why the courts must take previous offending into account. Virtually all those given three months or more involved serious violence, attempts to kill or even homicide. These cases show how offending behaviour can escalate and the absence of mental health treatment.

In every case the pattern in stalking involved following, unwanted and unannounced visits, threats, texts, emails, unwanted gifts and attention over a period of many months or even years.

The remaining 41 perpetrators were given community sentences, although eight had not yet been sentenced or were on remand. The sentence for breach of a restraining order tended to be stated in days or week rather than months or years. They were usually for less than 12 months and involved at least three previous instances of breach of an order or harassment.

The community sentences tended to be a one or two year supervision orders or a suspended sentence with a supervision element. In 23 of the 41 cases there had been harassment or breach of a restraining order, 10 of whom had a condition of attendance at a domestic violence programme added to the supervision order and 3 either drugs or alcohol treatments. The remaining 18 cases involved charges of criminal damage or assault.

Many probation staff who have been trained in stalking behaviour expressed serious doubts as to whether IDAP (the intensive domestic abuse programme) was appropriate for stalkers who display obsessive and compulsive behaviour.

## Programme Conditions

Of the 39 jailed only five were placed on a programme, usually dealing with anger and related behaviour. Staff report in three cases the course was completed and in the other two the inmates were disruptive and therefore excluded.

Rather more took part in programmes as part of a community sentence. Twenty-three in the study were put on domestic violence programmes and three on programmes dealing with drugs or alcohol. Staff report that five completed successfully. The rest did not and were either disruptive and non-cooperative and were excluded or they failed to turn up. The remaining 18 either did not take part in a programme because it was not available, or it was not appropriate.

## Domestic Violence

In 59 of the 80 cases there was a history of domestic violence during previous relationships. In each case stalking and harassment behaviour occurred when the relationship was terminated by the female partner. This represents 74% of the cases, a factor which is in all probability representative of stalking behaviour generally.

## Protection from Harassment act

In all 54 of the 79 men and one woman were charged under the Protection from Harassment Act 1997. Section 2 charges 'Harassment' accounted for 18 people, three were charged with Section 4 'Fear of Violence' and the remaining 33 were for breach of restraining order'. The three charged under 'Fear of Violence' received an IPP (2 years), and IPP (4 years) and one was awaiting sentence. Of the 'Harassment' cases 15 received community sentences and three were jailed. The jail sentences were 21 months, 15 months and 84 days. For breach of a restraining order 17 were jailed for between 21 days and four years, with the four year sentence involving serious violence.

## Breach of Restraining Order

Breach of a restraining order occurred in 34 cases either a stand alone or as part of the index charges.

The outcomes were as follows:

Breach of a Restraining Order	
Sentence	Previous
12 month supervision order	1 assault
2 year supervision order	2 stalking related previous
21 months custody	5 stalking related previous
9 months suspended for 12 months	2 stalking related previous
30 months custody	6 stalking related previous
18 months custody	6 plus stalking related previous
12 months suspended sentence	3 stalking related previous
12 months supervision order/alcohol condition	4 stalking related previous
4 years custody	1 stalking related previous involving firearm
2 years supervision plus IDAP	4 stalking related previous
1 year suspended sentence	2 stalking related previous
6 months custody	6 stalking related previous
12 months supervision order	No previous
12 months supervision order plus condition of unpaid work	3 stalking related previous
PR stage	4 stalking related previous
Awaiting sentence	3 stalking related previous
Awaiting sentence	No previous
2 months remand	7 stalking related previous
54 months custody	9 stalking related previous
2 years custody	4 stalking related previous
3 months custody	8 stalking related previous
12 months suspended supervision order	3 stalking related previous
Remanded in custody	5 stalking related previous
126 days custody	4 stalking related previous
140 days custody	3 stalking related previous
210 days custody	3 stalking related previous
21 days custody	6 stalking related previous
3 months custody	8 stalking related previous
3 years custody	4 stalking related previous
6 months custody	8 stalking related previous
21 days custody	4 stalking related previous
On remand	4 stalking related previous
On remand	3 stalking related previous
84 days custody	3 stalking related previous

Half of those breaching a restraining order were jailed. The range was 21 days and 6 stalking related previous incidents to four years for one stalking related previous incident but involving a firearm. The other 17 were either given suspended sentences, community orders or were awaiting trial.



The range of previous stalking related incidents ranged from zero to nine. Two had no previous convictions and the rest between two and nine convictions.

## Profile of One Jail

One local jail in England and Wales who responded to the survey is typical of all local prisons. The prison population overall in England and Wales currently exceeds 88,000, an all time high (02.12.11). There are approximately 1,000 inmates in most local jails. The jail cited reports having at any one time between 30 and 40 men either on remand or under sentence who have been convicted of domestic violence with stalking or harassment behaviour. Most of the inmates are serving sentences of 12 months or less.

The local jails tend not to run programmes. The psychology department tends only to be involved with prisoners at the request of the parole board or multi agency public protection panels. The CPS appears reluctant to charge persons in jail of any further breaches of restraining orders, such as attempts to contact victims by phone or letter. There is a public protection manual in all prisons but it only allows for the monitoring of mail or phone calls if the individual is charged under the Protection from Harassment Act but not repeat criminal damage or other violence associated with domestic situations.

The Napo report cites 23 instances of charges of assault and a further 15 of criminal damage. Jails are increasingly now devising forms which enable victims to request no contact with harassers or stalkers whilst awaiting the imposition of a restraining order and the same conditions apply to those who are remanded in custody. Most of the sentences handed down by the courts are expressed in days or weeks and rarely stretch beyond nine months, which are described by staff as not helpful in trying to devise any kind of treatment or rehabilitation programme. The range of sentences was 21 to 210 days.

## Need For Change

Probation officers submitting the case histories were all asked whether they thought there were any gaps in the law or other areas that needed to change or improve in terms of preventing stalking and harassment. Most of the respondents expressed strong opinions. Detailed below are some of them.

**North West** – “The offences of harassment and breach of restraining order must be taken more seriously and perpetrators made exempt from taking any claim under the Human Rights Act about contacting victims without rigorous testing and permission of the sentencing court”.

**North West** – “MARACs (Multi Agency Risk Assessment Conferences) often only have one initial meeting and no follow-up, meaning that staff can never be sure whether actions have been completed.

I believe that MARACs should be reviewed more often. In addition restraining orders and copies of them should be forward to probation if the police know someone is the subject of an order. There should be full disclosure”.

**North West** – “Courts do not appreciate the fear and emotional distress caused by these offences. It cannot be photographed in the same way a physical injury can. If the offender does not look threatening they tend to be treated more leniently by the courts. Victim statements are often not updated so there is little information about ongoing fears. There is a need for solicitors representing victims to be more motivated”.

**Midlands** – “There needs to be more information shared by the police, more resources available to protect the victim and greater overall interagency communication between all parties”.

**South West** – “I do not think the police take incidents of stalking seriously enough. The frequency with which restraining orders are breached would suggest that they are largely meaningless for many offenders who are clearly obsessed with the victim”

**South East** – “Short sentences do nothing to protect victims. Often offenders are allowed IT access whilst in prison which allows them to keep detailed records on victim’s movements”.

**Midlands** – Staff training is essential to recognise stalking behaviour and the risk associated with it. Fast delivery reports are increasingly being used in stalking cases and are not picking up the risk issues. A stalking and harassment risk assessment tool would be helpful as serious harm in some cases is quite often predictable and preventable.

**South West** – “There should be an automatic remand into custody if restraining orders have been breached on more than two occasions. This sends a message to the offender that if he continues to break the conditions, then custody is inevitable. The offences are not treated seriously enough and more training is needed for magistrates”.

**South East** – “Offenders are not given sufficient sentences. The sentences are too short to allow treatment and programmes and counselling to take place”.

**South East** – “The parole board wanted to call a victim who had written a personal statement so she could be cross examined by the offender. Probation intervened to stop this happening. As a matter of course it should not occur. The victim must be informed if restraining orders are put in place”.

**South East** – “Short sentences mean no meaningful work can be done with offenders. Prisons are not blocking offensive letters to victims. There is a need for a national register to monitor the movements of stalkers and partners new and old must have the right to know of their past offences. It is essential that persistent offenders are placed in Tier 4 and deemed of high risk”.

**South West** – “Magistrates clearly need educating as there is inconsistent practice between different benches on responses to harassment and breaches of restraining orders”.

**Yorkshire** – “Those that attend MAPPA meetings have limited knowledge or experience of stalking behaviour or of indicators and patterns and traits. This needs to be addressed without delay”.

**South West** – “There needs to be specific treatment for stalking offenders. They clearly do not meet the criteria for domestic abuse programmes so they need something else which addresses their obsessive behaviour and their perspectives”.

**Yorkshire** – “Restraining orders must be used more often but there should also be the power of arrest and reported. Incidents need to be acted upon swiftly with possible consideration for remand for any breaches”.

**London** – “The criminal justice system is limited when it comes to repeat harassment and stalking. More consideration should be given for mental health reviews and referrals”.

**London** – “There needs to be a specific intervention for deniers of domestic violence and offenders who struggle to accept the relationship is over”.

**North West** – “There should be automatic psychological reports where there is repeat behaviour particularly where MAPPA is involved. There is evidence that the courts don’t really understand the nature of the behaviour”.

**North West** – “Court reports need to contain social histories so that the magistrates and judges can place incidents in a proper context”.

**Midlands** – “It is quite clear that short term prison sentences are not making an impact on stalking offending. Sentences which address this type of behaviour need to be developed”

## CONCLUSIONS

Parliamentary answers published during 2011 reveal that most cases of stalking and harassment don’t actually get to court and even fewer get custodial or community sentences. Hardly any convicted stalkers enter community programmes or get psychologically profiled. 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. However, 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 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.

The majority of those sentenced in the study commenced stalking behaviour following the end of a relationship but in 75% of cases there is evidence that there was domestic violence in that relationship. It is evident that ongoing risk assessment is essential in order to monitor the degree to which behaviour escalates.

Many perpetrators were tried in court on the basis of recent evidence rather than a social history. However, those staff, mainly working in victim liaison units, who had been trained in stalking awareness did tend to ensure the court took into account previous behaviour and argued that psychological assessments and treatment were needed. Staff working in prisons in England and Wales reported consistently that stalkers were given short sentences, often expressed in days and weeks. They received no help with rehabilitation or treatment because they were not in jail long enough and there was evidence of significant repeat incarceration following the recommencement of stalking behaviour.

A number of clear recommendations came from probation staff who participated in the survey. They included:

- There should be an offence of stalking and the existing offence of harassment should be triable either way in recognition of its seriousness.
- Training for the police, probation and prosecutors should be mandatory.
- There is a need for regular risk assessment.
- There is a need for a programme intervention for domestic violence deniers who commence stalking behaviour at the end of a relationship.
- Restrictions should be put on access to IT whilst the perpetrator is in prison.
- There should be a bar on phone calls and letters to victims from prisoners.
- Perpetrators should not have as a human right the ability to contact victims.
- There should be automatic mental health referral for persistent offenders.
- There should be regular follow-up if individuals are referred to Multi Agency Risk Assessment Conferences.
- There should be a duty on all criminal justice professionals to share information on perpetrators.
- There should be stronger sanctions for repeat breaches of restraining orders.
- Treatment should be available in both custody and the community.
- Staff should be trained on stalking behaviour and risks.
- Cases should be adjourned for full reports not same day reports in order to pick up on risk.
- There should be the development of a stalking and harassment risk assessment tool.
- People should be remanded in custody if they breach a restraining order on more than two occasions.
- Training should be available for judges and magistrates in order to try to erase inconsistency in sentencing.
- Victims should not be cross examined by perpetrators at any stage in the parole process.
- There should be a national register of stalkers and the police should be allowed to disclose information to potential new partners.

## PARLIAMENTARY RECOMMENDATIONS

In July 2011, Napo and the charity Protection Against Stalking, 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 treatment programmes should be available for perpetrators and, if so, what should be their content
- 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.

It was agreed that the group would take evidence from experts and victims over the period July to December 2011. Napo's principal recommendations to that group are:

- Stalking should be defined in law.
- Harassment should be triable in both the magistrates and crown court to emphasise the seriousness of the offending behaviour.
- The presentation of a social history to a court in cases of stalking and harassment should be mandatory.
- Resources should be made available to develop a mental health treatment programme for perpetrators.
- There should be mandatory stalking awareness training for all relevant criminal justice staff.
- 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 starting point for second breach of a restraining order should be custody, although custody would not be automatic in these cases.
- The sentence of the court must be related to risk to the victim.
- There should be an assumption that if an individual is charged with a serious sexual or violence 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.
- Civil proceedings should not be used as a means of continuing to harass a victim, for example in contact or adoption matters.
- A victim advocacy service should be established in all relevant cases.

Harry Fletcher

December 2011

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