



Register for Serial Perpetrators of Stalking and Domestic Violence

Overview Briefing

1. Introduction

Currently there is no existing framework which can track or monitor serial stalkers and domestic violence perpetrators. Instead police rely on a series of victims to report multiple crimes and oftentimes it is the victims who are forced to modify and change their behaviour, flee their homes and disappear themselves in order to stay safe.

This is about homicide prevention. Stalking is about fixation and obsession and some of the most serious cases end in rape and murder. We find that many stalkers stalk multiple victims and may escalate their behaviour. Stalkers steal lives and take lives. In offending terms they are more akin to sex offenders. We have compared all civil and criminal protective orders available and none of them impose a positive obligation on a perpetrator to attend treatment programs or notify police when they change their name, move to a different area, travel abroad or form new relationships. It is vital their offending history follows *them* to ensure protection to victims. Many dangerous serial perpetrators continue to remain unsupervised and unmonitored.

The introduction of a register for serial stalkers and domestic violence perpetrators is long overdue. These are some of the most dangerous of cases and yet no priority is afforded to them. Notification requirements and prohibitions placed would be akin to that of a Registered Sex Offender. This would allow for a proactive policing approach which is necessary to keep potential victims protected.

Currently the law relies on victims to report individual crimes, but there is no way for the police to 'flag and tag' perpetrators. Paladin works on all types of stalking cases and the introduction of a register for serial stalkers, similar to the Sex Offenders Register, would create a cultural shift in the way these offences are dealt with, by putting the focus on the stalkers' behaviour. Breaching the requirements, once on the register, would become a criminal offence resulting in up to 5 years in prison.

Offenders would be placed on VISOR – the Violent and Sexual Offenders Register - and similar to sex offenders be subjected to robust and proactive supervision, monitoring and management through Multi-Agency Public Protection Arrangements (MAPPA). Registration and tracking will also inform and facilitate the Domestic Violence Disclosure Scheme (DVDS), helping to identify patterns of serial abuse and offending behaviour and coercive control. This would shift the emphasis away from victims and on to the perpetrators.

Clare's Law – the Domestic Violence Disclosure Scheme – allows women to find out if their partners have an abusive past. The introduction of Clare's Law earlier this year was welcomed by Paladin, but it

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still leaves the onus on potential victims to protect themselves, instead of placing positive obligations on serial stalkers. It affords no protection when someone has changed their name, something which many serial perpetrators do.

Cases which highlight the need for a register:

- Tracey Morgan was stalked by a work colleague, Anthony Burstow, for nine years, from 1992. He planted listening devices in her home, broke in to her home and followed her. Tracey lost her confidence, her marriage and her social life. Burstow has been in prison since 2001 for the attempted murder of another woman, Lorraine, who he was stalking simultaneously. He also changed his name.
- Ryan Ingham murdered his fiancée, Caroline Finegan, a few months after a violent attack which was so bad she needed hospital treatment. He already had 23 convictions for violence and harassment, mostly towards other partners. However, Caroline would not have been able to learn of his violent history by Clare's Law, as he was using a false name.
- Pregnant 17 year old Jayden Parkinson was brutally murdered. Her ex-partner Ben Blakeley was found guilty of her murder and sentenced to life. He has a history of serial abuse and was violent and controlling during all his relationships. Previous offences had been reported to the police, but there is no system which allows for flagging and tagging and monitoring of serial offenders.
- Jane Clough, a nurse, warned police her violent ex-partner Jonathan Vass was going to kill her when she ended an abusive relationship with him. He had repeatedly raped and assaulted her. Then he stalked her using Facebook when she escaped to her parents' house with their baby. Although Vass's bail conditions ordered him to keep away from Jane, he was freed on bail and stabbed her 71 times, killing her. He had a history of abusing other women.

No order currently exists that manages all aspects of serial perpetration of domestic violence or stalking, particularly regarding:

- a. *all* stalking perpetrators (those who have had an intimate relationship and those who have not) as well as domestic violence offenders who meet the criteria
- b. protection for potential *future* victims, through tracking, monitoring/supervision.
- c. Imposing *positive obligations* on the serial perpetrator

2. Criteria for a Serial Perpetrator Order (SPO), Risk of Harm Order (RHO) and Registration

2.1 UK

Paladin recommends the consideration of a specific Serial Perpetrator Order (SPO) and Risk of Harm Order (RHO) for stalking and domestic violence which encompasses a similar framework to that of a

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Violent Offender Order (VOO) and Sexual Offences Prevention Order (SOPO)¹; following a conviction, and on application by the Crown in certain circumstances a suspected serial perpetrator will be required to register relevant addresses, changes of identify and this will also allow the Disclosure Scheme to be implemented and managed effectively.

Circumstances in which the Crown would make an application to the convicting or sentencing court – as a result of convictions or allegations made by other, unconnected female victims, whether leading to a prosecution or not – the convicting or sentencing court adjudges that the offender is a serial perpetrator and should be subject to a regime akin to that of a sexual offender. Even now with the Domestic Violence Disclosure Scheme², although this will assist the process of identifying such individuals *after* they have come to attention in respect of a further crime or incident, but will not permit the proactive approach necessary to keep *potential* victims informed and safer. This would then satisfy all three objectives outlined above.

The Risk of Harm Order (RHO) would be akin to Risk of Sexual Harm Order³ for sex offenders. This order could be made against persons who have not been convicted but who have engaged in certain specified types of behaviour **on at least two occasions**. A RHO does not place the subject under the notification requirements – but breach of the order is a criminal offence and if convicted or cautioned for this offence then the person will then become subject to the notification requirements for the rest of the duration of the order.

Currently measures are in place to monitor sexual offenders in the form of the Violent and Sexual Offenders Register (ViSOR) and this would be the appropriate database for serial stalkers and domestic violence perpetrators in the UK

2.2 Europe

Perpetrators travel and orders and their offending history should travel with them. Marc Chivers murdered his partner, Sabine Rappold, in Germany and was released after serving 15 years. He travelled to the UK and formed a relationship with Maria Stubbings, whom he sexually assaulted, abused, stalked and murdered her in 2008. His history was known but little was done to supervise and manage him⁴. Current orders, offending histories, behaviours and restrictions should follow with perpetrators when

¹ SOPOs will be replaced by a Sexual Harm Prevention Order in November 2014, as amended by the Anti-Social Behaviour, Crime and Policing Act 2014

² Domestic Violence Disclosure Scheme (DVDs) Pilot Assessments

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260894/DVDS_assessment_report.pdf

³ Sexual Risk Order will replace the Risk of Sexual Harm Order in November 2014, as amended by the Anti-Social Behaviour, Crime and Policing Act 2014

⁴ In November 2014 the use of VOOs will be extended to include the use of preventative Violent Offender Orders to offenders convicted of murder abroad, as amended by the Anti-Social Behaviour, Crime and Policing Act 2014

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they move to a different country. Therefore, intelligence and information should still be included on pan European databases such as SISII. SISII is a pan-European database that passes real-time information from one participating country to another, in the form of alerts relating to people and property. Most EU countries (and some non-EU) have access to SIS data. The UK will participate from October 2014, at which time SISII data will be available in the UK to all police officers, police staff and law enforcement agents.

3. Key Facts and Cost Benefits Analysis

- There are around 25,000 serial domestic violence offenders who have used or threatened violence towards two or more unconnected victims (ACPO, 2009). The most dangerous of these would be obliged to register.
- The estimated cost of creating and registering 20% of offenders would be around £1.4m over the first 3 years, but this would be easily offset by reducing the number of future victims and saving lives.
- Preventing one murder would save £1.54 million. These proposals would achieve 'break-even' between the cost of establishing a system to track serial stalkers and savings if they prevent victimisation of more than 119 victims in the first year, 238 in the second year and 357 in the third year.
- The Home Office Select Committee estimated cost of services for victims of domestic violence, including criminal justice, health and social services, was around £3.4 billion per year in 2008.
- The Crime Survey of England and Wales 2011/2012 suggests that at least 120,000 individuals are affected by stalking and harassment each year; however, only 53,029 cases are recorded as crimes.
- 1 in 5 women and 1 in 10 men will experience stalking in their adult life (Homicides, Firearm offences and intimate violence 2009/10; Supplementary Volume 2 to Crime in England and Wales 2009/10 2nd Edition. Home Office Statistical Bulletin 01/11)
- Victims do not tend to report to the police until the 100th Incident (Sheridan, 2005)
- Statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male. (National Stalking Helpline, 2011).
- The Metropolitan Police Service found that 40% of the victims of domestic homicides had also been stalked (ACPO Homicide Working Group, 2003).

4. Conclusion

A Serial Perpetrator Order, Risk of Harm Order and register for serial stalkers and domestic violence offenders will ensure protection to primary, secondary and potential future victims. This would impose a positive obligation on a perpetrator which will create much needed cultural change placing a positive obligation and responsibility back on the perpetrator. This will ultimately save lives and money.

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5. Recommendations

Recommendation 1: The Government consider making DVPO/Ns a criminal breach to ensure effective sanctions.

Recommendation 2: Consideration to amend PACE to ensure police can keep the perpetrator in custody long enough to serve the DVPO on them there, rather than releasing them at a time of increased risk.

Recommendation 3: The Government consider creating a register for serial stalkers and domestic violence perpetrators and incorporating it into the existing framework for sex offenders.

Recommendation 4: The Government consider creating a new Serial Perpetrator Order (SPO) for serial stalkers and domestic violence offenders.

Recommendation 5: The Government consider creating a new Risk of Harm Order for serial stalkers and domestic violence offenders.

Recommendation 6: Ensure orders stand across European boundaries so that offending histories, behaviour and restrictions are also shared across borders.

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