STALKING AND HARASSMENT ADVICE LEAFLET

Stalking became a criminal offence on November 25th 2012. It includes repeated attempts to impose unwanted communications and/or contacts on another in a manner that could be expected to cause distress and/or fear in any reasonable person.

The Law

Under the Protection from Harassment Act (PHA) 1997, (amended by Protection of Freedoms Act 2012) it is necessary to prove a course of conduct amounting to harassment (Section 2) or stalking (Section 2a) or fear of violence (Section 4) or stalking (Section 4a) which causes serious alarm or distress which has a substantial adverse effect on the victim's usual day-to-day activities' which the perpetrator knows or ought to know amounts to harassment or stalking or fear of violence.

A course of conduct is conduct that occurs on at least two occasions. Most stalking cases should be arrested and charged at Section 4a. It also has a power of entry to perpetrator address. Section 2a allows for a warrant to search the perpetrator's home address.

Types of stalking behaviour

Taken in isolation behaviours might seem unremarkable. But in the particular circumstance and with repetition, they take on a more sinister meaning.

Unwanted communications may include telephone calls, letters, e-mails, faxes, sms text messages, sending or leaving unsolicited materials/gifts, graffiti, and/or messages on social networking sites.

Unwanted intrusions include following, waiting for, spying on, approaching, accosting and going to a person's home. In addition to unwanted communication and intrusion, the stalker may engage in a number of associated behaviours including ordering or cancelling goods/services, making vexatious complaints (to legitimate bodies), cyberstalking (use of the internet to facilitate the behaviour), threats, property damage and violence.

What do we know about stalking?

According to the British Crime Survey (2009/10), up to 1 in 20 citizens will experience stalking in the UK in their lifetime. We also know from research that:

- The majority of stalkers are known to their victims either as ex-partners or acquaintances, but some people are stalked by complete strangers.
- 1 in 10 domestic violence victims confide in a manager or work colleague (Roe 2010)
- Around 80% of stalkers are male. However, stalkers and their victims can be of either gender.
- Stalkers come from all backgrounds and do not form one 'type'. Stalkers are not homogenous and the motivation for stalking can vary.
- Understanding the motivation is important when assessing the risks the stalker may pose.
- Many victims will experience multiple, repeated stalking behaviours before they report this to the police.
- Stalking is life changing. It is frequently injurious to victims' psychological, physical and social functioning, irrespective of whether they are physically assaulted.

On average victims will suffer 100 incidents before they report it. Additionally, 21 people connected to the victim will be directly affected. Therefore, secondary victims will be identified. Stalkers will involve third parties for a number of reasons including to: upset the victim; obtain information on the victim; remove perceived obstacles between the stalker and victim, and/or to punish those perceived as helping or shielding the victim.

The ability of a stalker to pose as other persons and/or to draw information out of third parties should never be under-estimated. Many stalkers will devote hours each day to their stalking campaign, and are capable of stalking their victims for many years. New technologies and social networking sites can facilitate harassment, enabling stalkers to impersonate another on-line; to send or post hostile material, misinformation and false messages (i.e. to Usenet groups); and to trick other internet users into harassing or threatening a victim.

Substance misuse can also contribute both to the basis from which the stalking occurs and to individual violent episodes. It is clear when people fixate and stalk that they are psychologically unstable, a significant minority are psychotic and some may suffer from undiagnosed personality disorders. Currently stalkers do not routinely get assessed once they come into contact with the criminal justice system. If they do not have access to mental health services they will just continue their behaviour, which is detrimental, costly and dangerous to those that they stalk, as well as to themselves.

What to do if someone tells you that they are being stalked:

DO

- Believe them and take them seriously.
- Ensure you listen carefully and record everything you are told.
- Record the extent of the victim's perception of risk of harm.
- Take disclosures of threats to kill seriously.
- If there has been a relationship ask the victim to complete a DASH risk assessment and 11 stalking screening questions.
- If there has not been a relationship ask the victim to complete the 11 risk screening questions.
- Ask if there is a restraining order.
- Ensure the victims keep a diary of all stalking incidents, retain all messages, gifts etc.
- Seek specialist advice from your local police force. Each force has a Single Point of Contact or other units if required such as the Public Protection Unit.
- Tell the victim to call the National Stalking Helpline

DO NOT

- Think it any less serious if there has been no physical violence.
- Send the person away believing that it is not a serious or say that they are 'lucky' to receive this level of attention.
- Tell them to change their phone number. This will not stop the behaviour – they will find another means of contact.
- Mediate or suggest that the victim talk/meet with the stalker to resolve issues.

Risk Considerations

The context and detail of the behaviours are crucial to understanding the risks posed by a stalker. Research shows that those who are at highest risk of assault are ex-intimates who have been threatened, in whom the stalking has continued for more than two weeks.

Many stalkers will devote hours each day to their stalking campaign, and are capable of stalking their victims for many years. Stalking rarely takes place at a distance. Some stalkers may approach their victims regularly and 75% of domestic stalkers will target their victim at work, with 79% of male perpetrators using work resources to target the victim.

Research shows that those stalkers who visit the victim's home, workplace, or other places frequented by the victim more than three times in a week are those who are most likely to attack.

Stalkers frequently threaten their victims, either directly or indirectly. **1 in 2 of domestic stalkers when they make a threat will act on it.** Threats have been found to be even stronger predictors in cases of very serious violence.

If there are any positive responses, report the matter to the police and call the National Stalking Helpline for further support and practical advice.
Use the full DASH Risk Assessment (www.dashriskchecklist.co.uk) in these cases and then these 11 questions (developed by Drs Lorraine Sheridan and Karl Roberts), which give an indication of the victim(s) risk of future psychological and physical harm:

1. Are you very frightened?
2. Is there previous domestic abuse or harassment history?
3. Have they vandalised or destroyed property?
4. Have they turned up unannounced more than three times a week?
5. Have they followed you or loitered near their home or workplace?
6. Have they made threats of physical or sexual violence?
7. Have they harassed any third party since the harassment began?
8. Have they acted violently to anyone else during the stalking incident?
9. Have they engaged other people to help him/her?
10. Have they had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life?
11. Have they ever been in trouble with the police or has a criminal history for violence or anything else?

Six Golden Rules if you are being stalked: REPORT

1. R EPORT IT AND TELL OTHERS – report it to the police and ensure other people know about what is happening including your family, friends, neighbours, workplace, children's nursery/school.

2. E NSURE YOU GET GOOD PRACTICAL ADVICE - Paladin National Stalking Advocacy Service 0207 8408960 www.paladinservice.co.uk

3. P ROACTIVE EVIDENCE COLLECTION – ensure you keep all messages/gifts preserving all the evidence. You can also film or video the stalker to collect evidence and if followed in a car drive to an area with lots of CCTV for example.

4. **O VERVIEW OF WHAT'S HAPPENING- KEEP A DIARY** - log what is happening including time, date and details of what happened.

5. **R ISK CHECKLIST - COMPLETE S-DASH, 11 QUESTION CHECKLIST** If you think you are at risk complete stalking screening checklist http://www.dashriskchecklist.co.uk/index.php?page=vs-dash-for-use-in-stalking-cases-by-victims

6. **T RUST YOUR INSTINCT AND NEVER MAKE CONTACT WITH YOUR STALKER–** always trust your instinct and if you are frightened or worried call the police or go to safe place. Ensure you do not contact or respond to the stalker in any other way.

Useful Contacts and Organisations

Each police service in England and Wales now has a single point of contact (SPOC) for stalking cases. Find out who yours is and contact them if you need further advice.

You can also refer to the College of Policing Practice Guidance and to the Crown Prosecution Service Guidance for more detailed information.

Police Practice Advice:
http://www.npia.police.uk/en/13968.htm

Further CPS Guidance:
http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/

Further guidance on digital and cyberstalking
http://www.womensaid.org.uk/page.asp?section=0001000100280003&sectionTitle=Digital+stalking

If you or the victim requires further practical advice contact:
Paladin National Stalking Advocacy Service
(T): 0207 8408960
(E): info@paladinservice.co.uk
(W): www.paladinservice.co.uk
(T): @paladinservice

National Stalking Helpline
(T): 0808 802 0300
(W): www.stalkinghelpline.org
(E): advice@stalkinghelpline.org
(T): @talkingstalking

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National Stalking Advocacy Service

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