

Protection from Stalking Bill

Response from Probation Board for Northern Ireland

PBNI understands that domestic abuse has a devastating effect on individuals and families and is committed to working with perpetrators to reduce the number of future victims. PBNI is of the view that the proposed new legislation represents an effective enhancement of current provisions under law to protect victims. PBNI is fully supportive of the strengthening of legislation to protect victims.

I would like to thank the Committee for Justice for the opportunity to comment on the Protection from Stalking Bill which was introduced into the Assembly on 18 January 2021. In considering the Bill PBNI has structured its response to address specific clauses contained in the Bill.

Offences

PBNI welcomes the introduction of a specific offence of stalking and the clarity provided by the Bill as to what behaviours constitute stalking. By creating an offence of stalking, the Executive is ensuring that this behaviour is treated seriously.

PBNI is of the opinion that further clarity is required about what is meant by a 'course of conduct'. The Bill states a 'course of conduct' involves behaviour on two or more occasions. We question if this behaviour has to be directed against the same individual? Is the alleged perpetrator warned by the PSNI after the first occasion that their behaviour could be construed as stalking (along the lines of Child Abduction Warning Notices)?

The penalties provided by the Bill of between 12 months and 10 years imprisonment allow for sentencing to reflect the seriousness of the offence which we welcome.

PBNI is supportive of an offence of threatening or abusive behaviour which can be used as an alternative when the facts of a particular episode do not amount to an offence of stalking. All provisions which support victims in making complaints against perpetrators are also to be welcomed.

Stalking Protection Orders

The introduction of Stalking Protection Orders (and Interim Stalking Protection Orders) supports the seriousness of stalking and the fact it is a behaviour which instils fear and submissiveness in victims.

PBNI welcomes the fact that Courts can impose requirements as well as prohibitions on Stalking Protection Orders. Prohibitions or external controls are necessary when a perpetrator has demonstrated a lack of internal controls or an ability to overcome internal inhibitors. PBNI believe that most perpetrators have the capacity to change,

and they can be supported in this process through a range of controls. Requirements such as engagement in a domestic abuse behavioural change programme can have a positive impact in reducing abusive behaviour and protect further victims.

Prohibitions and requirements should only be imposed if they are deemed to be necessary to protect the victim from harm; are effective in managing the risk towards the victim; are clear and realistic and readily capable of compliance. None of the prohibitions/requirements should be oppressive. Rather they should be proportionate and tailored to the facts of the case. PBNI agrees that Breach of the Stalking Protection Order should be a criminal offence.

PBNI agrees that individuals subject to Stalking Protection Orders should be required to notify personal details to the police. This puts Stalking Protection Orders on the same footing as a Sexual Offences Prevention Orders/Violent Offence Protection Orders. PBNI also agrees breach of notification requirements should be an offence.

In conclusion, PBNI is of the view that the proposed Bill will enhance the protection of victims of stalking. In introducing the Bill, it would also be important to promote awareness of stalking behaviours amongst the general public and to ensure there is necessary provision to provide protections and support for victims.

Cheryl Lamont CBE

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