

To whom it may concern

Response from Suzy Lamplugh Trust on the Protection from Stalking Bill

Please accept this submission from the Suzy Lamplugh Trust as a response to the consultation on the Protection from Stalking Bill.

Clauses 1-5 Stalking Offences

Suzy Lamplugh Trust welcome the introduction of the offence of stalking in Northern Ireland. Recognition of the offence of stalking as a specific crime is a significant step forward in empowering victims of this heinous crime and enabling them to demand a response from the criminal justice system.

We welcome the recognition of 'reasonableness' (clause 1, subsection 2) in relation to 'a reasonable person who has any particular knowledge of B that A has' recognising that not all events in a course of conduct are known to the victim but this does not take away from the significance of these behaviours.

We also support the inclusion of subsection 3 recognising the fact that stalking can (and does) take place across national boundaries.

Subsection 4 – We welcome the inclusion of a list of behaviours but would like the inclusion of a statement that clearly sets out that the list is not exhaustive beyond the reasonableness statement. The focus is on the impact of the behaviour on the day to day activities of the victim is pivotal in deciding if an offence has been committed. This has been noted by many campaigners and commentators as a positive feature as it should mean that in dealing with a case the impact of the stalking on the daily life of the victim will be paramount. Stalking is a crime of psychological terror that impacts on all aspects of a victim's life, often in ways that are long-lasting and irreparable.

Subsection 6 – we welcome alignment with the maximum sentencing in England and Wales

Subsection 7 (see clause 2 feedback).

Clause 2 – we welcome recognition of the offence of threatening or abusive behaviour however we are concerned that this not only applies to a single incident but a course of conduct. We note that this offence does not include serious distress (impact on day-to-day activities) but our experience from speaking to over 36,000 victims of stalking over the last 10 years is that a course of conduct without serious distress is hardly ever seen, however the 'downgrading' of the offence from stalking to the offence of threatening or abusive behaviour is likely (as we see with many cases of stalking being charged as harassment in England and Wales). We would recommend that the course of conduct element of this offence is removed to provide clarity that where there is a course of conduct this is always stalking.

Clause 3 - we welcome the inclusion of special measures for victims of stalking.

Clause 6-17 Stalking Protection Orders

We welcome the introduction of Stalking Protection Orders alongside the stalking offence for Northern Ireland. This is significant step forward for victims of stalking in Northern Ireland. However SPOs must not be used as an alternative to a stalking charge. We would recommend that monitoring takes place of the number of interim SPOs, those that become full SPOs and those where a subsequent stalking charge is made. We would also recommend that the number of non-molestation orders are recorded to evaluate the impact of SPOs.

Clause 6 – the inclusion of the risk of stalking is welcomed but we would recommend that guidance is put in place for an appropriate professional, with stalking specific training, to complete a comprehensive risk assessment.

Clause 7 – we welcome the fact that the police will make applications but we would recommend that the victim is fully engaged in the process particularly in the development of prohibitions and positive requirements. Any positive requirements such as engagement in a perpetrator intervention programme should be subject to professional risk assessment and to a stalking specific intervention.

Clause 8, subsection 4 – whilst we recognise the importance of not impacting D’s religious beliefs, education or place of work, it must always be considered that this subsection may be manipulated by D to enable the stalking behaviours to continue.

Subsection 6 – reference is made to psychological or physical harm but we would recommend that this remains in line with the stalking offence legislation and reflects the impact of stalking on day to day activities.

Clause 11 – interim stalking protection orders should only be used as interim orders, these are a useful tool whilst the full order is being applied for but these are not a replacement for a full order.

Clause 13 – we welcome the proposed offence for breaching an SPO, that are in line with the law in England and Wales

Financial Effects of the Bill

There is anecdotal evidence from England and Wales that the financial cost to police forces of applying for an SPO is being used as a reason as a reason to defer the responsibility of prevention back to the victim i.e. they are being encouraged to apply for a non-molestation order rather than the police applying for an SPO.