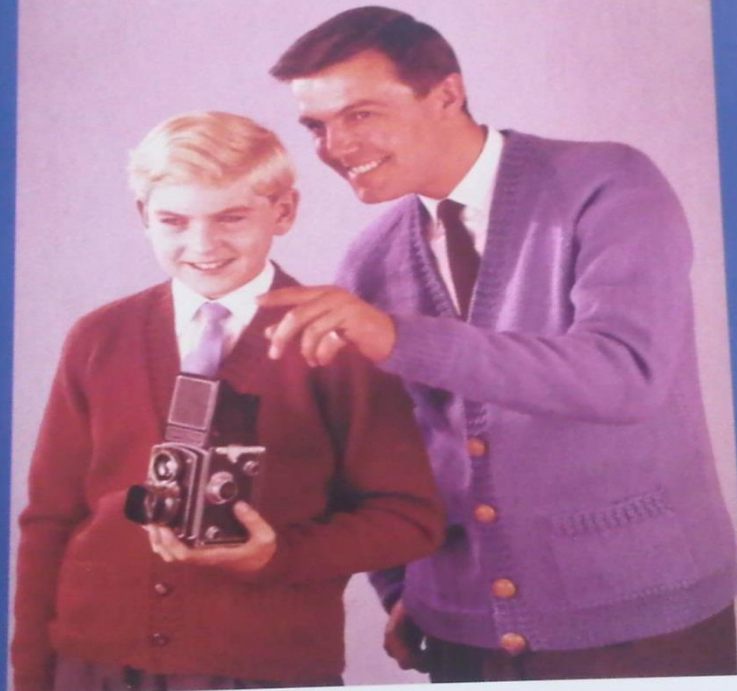


# **Stalking, the Legislation and Advocacy**

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**STALKING**



**FUN FOR ALL THE FAMILY!**

STALKING IS  
WHEN TWO  
PEOPLE GO FOR  
A LONG ROMANTIC  
WALK TOGETHER  
BUT ONLY ONE OF  
THEM KNOWS ABOUT  
IT!!

FUDGE  
ANYTHING IS POSSIBLE

OUTFITTED BY  
THE  
CREW  
Official Supplier to M&M's

STAFF  
NEEDED.  
APPLY  
WITHIN.

# Parliamentary Stalking Law Reform Campaign

- Campaigned and spearheaded Inquiry. Victim's Voice at centre of it.
- Produced evidence – Victim's Voice, Study of Stalkers, attrition of cases
- Worked with Stalking Bill team to shape legislation. Advising on training and implementation. New law commenced November 25 2012.
- Law change was ONE aspect – signals seriousness.

Terms of Reference also included:

- ✓ **Training**
- ✓ **Victim Advocacy**
- ✓ Risk assessment
- ✓ Appropriate sentencing
- ✓ Perpetrator treatment and programmes

# All Party Parliamentary Stalking Law Reform





# Campaign, Legislation and Guidance

- Two new offences of stalking
- Worked with Home office lawyers on the new law: 018/2012 Home Office Circular
- Shortest campaign in the history of Parliament (...until Domestic Violence Law Reform)

# Stalking as a social construct

- A new description of an old behaviour.
- Seen for centuries.
- Attracted label in the 1980s.
- ....Books/Films.



# STALKING DEFINITION AND TERMS

- Term 'fixation' is from Latin word '*figo*'  
*'To be bound fast and describes an intense preoccupation with an individual, activity or idea'.*
- Europe – 8 member states recognise it – 20 do not.
- Stalking is a criminal behaviour in the US, Canada, Australia, New Zealand, Germany, Scotland (2010) Sweden (2011) England and Wales (November 25 2012).
- First country to criminalise?



DYLAN McDERMOTT

STALKER

WEDNESDAYS  
CBS

Highland Av



McPherson

BBC  
three HD  
new



@bbcthree #murderedbymyboyfriend



# Stalking Definition

- No legal definition of stalking, but most experts agree it is a label for:

*‘a long term pattern of unwanted persistent pursuit and intrusive behaviour directed by one person to another, that engenders fear and distress in the victim’*

(Meloy and Gothard, 1995; Mullen and Pathé, 1994; Mullen et al., 2000; Zona, Sharma and Lane 1993)

# Who is stalked?

- Almost 1 in 5 women and 1 in 10 men have experienced one or more incidents of stalking since the age of 16.
- In the US, it's just under 8 million.
- Misconception it's mainly public figures - celebrities, politicians and Royalty.

**Anyone can become a victim**

# Victim's experience

## **Prolonged victimisation:**

- 50% had been stalked for longer than 18 months
- 42% for longer than 24 months

(Source: Richards (2011) Victim's Voice, survey of 143 victims)

The majority of victims report that **multiple forms of contact** were used including phone, e-mails, spying, letters, turning up, Social Networking Sites, child contact and court process.

A further survey of stalking victims by Lorraine Sheridan also found:

- 58% were very frightened
- 92% reported physical effects and 98% reported emotional effects

(Source: Sheridan 2005, survey of 1051 victims)

# Those close to victim may also be targeted

Lorraine Sheridan's 2005 survey also found that in:

- 1 in 4 cases the stalker had also targeted victim's children
- 1 in 3 cases the family and friends of the victim were also stalked
- 1 in 5 cases the work colleagues of the victim were contacted

In some cases stalkers also use those connected to the victim to gain information:

- 40% obtained information from the victim's friends
- 27% obtained information from the victim's workplace

**The average number of people directly affected in a stalking case was 21.**



# Many victims suffer multiple incidents of stalking before they report:

**Sheridan's (2005) study found that 77% suffer 100 incidents before going to police**

This may be due to:

- feeling they may be overreacting and won't be taken seriously
- not realising that it's a case of stalking and harassment and the risk that they face
- a past experience resulting in a fear or dislike of the police
- lack of faith with the criminal justice system
- threats or fear of repercussions from the perpetrator
- not wanting to make matters worse if they call the police
- not being sure if the police can help

# Victim's experience of the police

**Victim's Voice'(2011) survey found 69% of victims had contacted the police – 65% of those were not satisfied with the police response.**

Some examples of dissatisfaction with the police include:

1. *'The police didn't take me seriously'*
2. *'They have dealt with numerous incidents in isolation'*
3. *'I was told that because he has not threatened me directly or physically harmed me, they cannot act'*

# Victim's experience of Criminal Justice System (CJS)

**In the Victim's Voice (2011) survey, 72% of victims were unhappy with the CJS response (this includes police, probation, the courts and the CPS):**

- 1. 'the harassment law is interpreted differently by different officers'*
- 2. 'there have been over 50 breaches of non-molestation orders. The outcome – an £80 fine'*
- 3. 'they do not take into account the totality of what has happened over the years,*
- 4. 'sentences are too lenient which allows stalker to continue'*

# Improving the response

When asked about enhancing protection and legal and practice changes victims said:

1. *'Trained police officers' and 'More comprehensive support from all agencies'*
2. *'To be taken seriously at the onset, rather than wait for a serious incident '*
3. *'Recognition of stalking as a crime and conviction'*
4. *'Tougher laws and penalties'*
5. *'Risk assessment and treatment plans for perpetrators'*

**Stalkers steal lives and they take  
lives**

# (Ex) Intimate Domestic Violence Stalker

- Sheridan and Davies (2001) found that domestic violence ex-intimate stalkers were the MOST aggressive and dangerous of all stalkers.
- They have knowledge and access to victims.
- Approaches victim and escalates in frequency and intensity of pursuit.
- Insults, interferes with, threatens and are violent.
- Heightened danger with separation.
- Likelihood of DV prior to separation.
- Not necessarily about long term relationships.
- Australian research suggested that 1 in 2 domestic violence stalkers who make a threat to kill act on it.

**Homicide is the ultimate act of control.**

# Key Points

- Stalking is the most dramatic form of tracking and the most common behavioural component of coercive control next to assault (Stark, 2007). DV stalkers are most likely to be violent. 1 in 2 stalkers will make a threat and then act on it (Mckenzie, McEwan, Pathé, James, Olgoff 2009).
- Homicide is the ultimate act of control. Control, abuse, stalking and assaultive behaviours may precede it. It is when an abuser has nothing left to lose and they feel they need to re-assert control over the victim that they harm and, sometimes, murder.

# Types of Stalking Behaviour - Unwanted Communication

- Telephone calls
- Letters
- E-mail
- Fax
- SMS instant text messaging
- Graffiti
- Social Networking websites



# Types of Stalking Behaviour - Unwanted Contacts

- Loitering near the victim or where they live or work
- Spying on the victim
- Following the victim
- Accosting the victim in private or public
- Entering the victim's home or workplace

# Types of Stalking Behaviour - Associated Behaviours

- Sending or leaving materials or gifts
- Ordering or cancelling goods and services
- Making vexatious complaints
- Cyber stalking
- Threats
- Property damage
- Violence

# Types of Stalking Behaviour

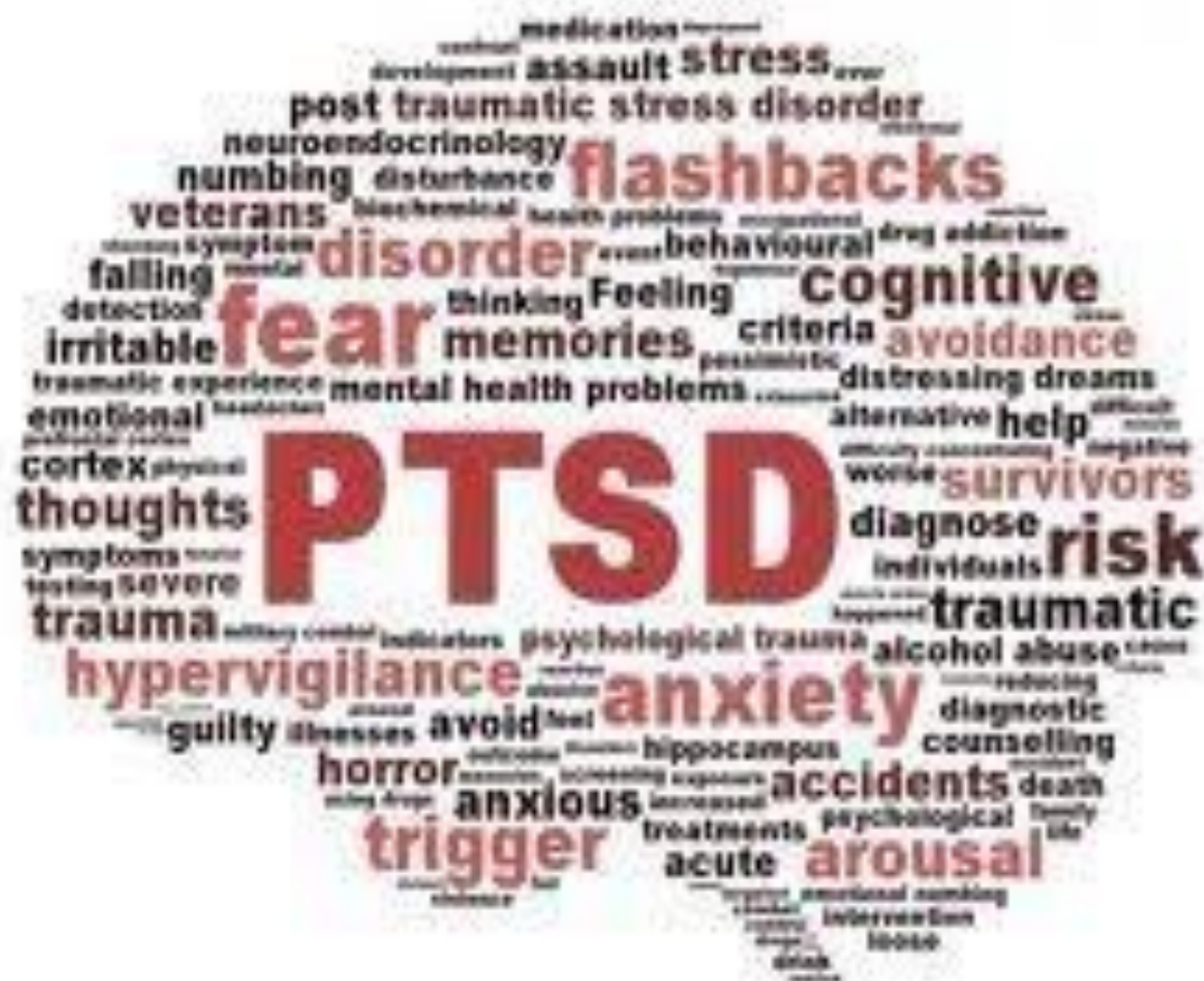
- Taken in isolation behaviours might seem unremarkable.
- But in the particular circumstance and with repetition, they take on a more sinister meaning.

# Understand two key things

- The long term nature of stalking.
- The need for proactive intervention to prevent homicide and serious harm.

# Stalking Key Facts: IT CAN BE LIFE CHANGING

- Many lose jobs, relationships, friends
- Physical and emotional effects – anxiety, sleep disturbances, anger, distrust, eating disorders, self harm, post traumatic stress disorder
- Severe and long lasting
- Hypersensitive and hyper vigilant
- Always watching behind – living on adrenaline
- Financial and social loss
- Impact on their family – children, parents, siblings etc



# Golden Rules for Victims: REPORT

- **Report** it as early as possible and tell others
- **Ensure** you get good practical advice
- **Proactive** evidence collection
- **Overview** of what's happening – keep a diary
- **Risk** checklist –Stalking Screening Tool (Also referred to as S-DASH)
- **Trust** your instinct

In an emergency always call 999 and report to the police.

Paladin National Stalking Advocacy Service (for high risk cases) 0203 866 4107

# Digital and Cyberstalking

**Stalkers use multiple means of contact.  
This is yet another tool to stalk a victim**

- **Digitally enabled stalking** – mobile phones, social networks, computers or geolocation tracking.
- **Cyberstalking** –victim stalked on-line

Cyberstalking can inflict the same amount of psychological damage on a victims as other forms of stalking and needs to be taken seriously.



# On-line dating

- 1 in 4 use dating websites now
- Websites are not regulated
- Many do not consider safety issues
- Many do not have report buttons
- Those who do, do not always take effective action
- Many users do not consider safety and who may be using those sites

# Risk Identification, Assessment and Management for victims

Use Domestic Abuse, Stalking and Harassment and Honour based Violence (DASH 2009) Risk Model for DV cases developed by Laura Richards on behalf of ACPO and in partnership with CAADA

Use Stalking Screening Tool for ALL Cases to identify online and offline risks developed by Drs Lorraine Sheridan and Karl Roberts

# Risk factors of future violence, so ask:

- ✓ Is the victim very frightened?
- ✓ Is there a previous domestic abuse and stalking/harassment history?
- ✓ Has (name of stalker if known.....) destroyed or vandalised property?
- ✓ Has (.....) turned up unannounced more than three times a week?
- ✓ Has (.....) followed the victim or loitered around their home or workplace?
- ✓ Has (.....) made threats of physical or sexual violence?
- ✓ Has (.....) stalked/harassed any third party since the stalking/harassment began? (i.e. family, children, friends, neighbours, colleagues)
- ✓ Has (.....) acted violently to anyone else during the stalking incident?
- ✓ Has (.....) engaged others to help (wittingly or unwittingly)?
- ✓ Has (....) had problems in the last year with drugs, alcohol or mental health?
- ✓ Do you know if (....) has been in trouble with the police or has a criminal history of violence or anything else? (violence = psychological and/or physical)

# What's the Profile of the Stalker?

- Stalkers are NOT a homogenous group.
- Different motivations, so will react differently to various sanctions imposed.
- Very little research in this area – most happened over last 20 years. Virtually all existing work done in US, work by Fixated Research Group sponsored by Home Office on British Royal Family (2003-2006).

# Stalkers vary in:

- What drives their behaviour
- What they hope to achieve from their pursuit
- The type of behaviour they engage in
- The victims they pursue
- The risks they pose and the factors associated with those risks

# Overview: Typology of stalkers

## **Known to Victim**

Erotomaniac

Love Obsessional

Grudge

Ex-Intimate partner

## **Unknown to Victim**

Predatory sex offender

Serial murderer

Celebrity or political figure

Typologies from SAM - Stalking Assessment and Management  
(SAM, Kropp, Hart and Lyon 2008)

# Common features

- Obsessive/infatuated
- Distorted thinking
- Narcissism
  - self absorbed
  - sense of entitlement
  - inability to take other perspectives into consideration

# **The Legislation: A Change to the Protection from Harassment Act – introductions of the offences of stalking 018/2012**



# Background: stalking legislation

- Protection from Harassment Act (1997)
  - no specific offence of stalking.
- Act referred to various forms of harassment (acts)
  - Acts intended to, or in fact do, cause harassment to another person.
- Harassment vs stalking?
- In response to the Independent Parliamentary Inquiry into Stalking Law Reform (a public consultation followed), new offences of stalking were introduced.

# Legislation: what changed

- Commenced on November 25 2012 (Home Office Circular (018/2012). Amendments to Protection from Harassment Act 1997 by Protection of Freedoms Act 2012
- S111 Protection of Freedom Act,2012 inserts new provisions in the Protection from Harassment Act,1997 and introduces **TWO** new offences of stalking AND a power of entry with a warrant for the summary offence.
- Section 7 of the 1997 Act provides that references to 'harassment' include alarming a person or causing the person distress and states that a 'course of conduct' in the case of conduct in relation to one person must involve at least 2 occasions, or in the case of conduct in relation to two or more persons, conduct on at least one occasion in relation to each of those persons.

# New provisions-Section 2A(1)

**Section 2A** of 1997 Act prohibits a person from pursuing a course of conduct that amounts to stalking. Although stalking is not specifically defined in the 2A offence, stalking is a particular type of harassment and can include a pattern of persistent and repeated contact with, or attempts to contact, a particular victim.

# Section 2A(3)- Examples of stalking behaviour

- (a) following a person,
- (b) contacting, or attempting to contact, a person by any means,
- (c) publishing any statement or other material (i) relating or purporting to relate to a person, or (ii) purporting to originate from a person,
- (d) monitoring the use by a person of the internet, email or any other form of electronic communication,
- (e) loitering in any place (whether public or private),
- (f) interfering with any property in the possession of a person,
- (g) watching or spying on a person.

*This list is not exhaustive but gives an indication of the types of behaviour that might be displayed in stalking*

## Section 4A of 1997 Act

- Prohibits a course of conduct relating to the offence of stalking involving fear of violence or serious alarm or distress.
- The second arm of the offence prohibits a course of conduct which causes “serious alarm or distress” which has a “**substantial adverse effect on the day-to-day activities of the victim**”.
- It is designed to recognise the serious impact that stalking may have on victims, even where an explicit fear of violence is not created by each incident of stalking.

# “substantial adverse effect on the usual day-to-day activities”

Home Office considers that evidence of a substantial adverse effect when caused by the stalker may include:-

- (a) the victim changing their routes to work, work patterns, or employment;
- (b) the victim arranging for friends or family to pick up children from school (to avoid contact with the stalker);
- (c) the victim putting in place additional security measures in their home;
- (d) the victim moving home;
- (e) physical or mental ill-health;
- (f) the victim's deterioration in performance at work due to stress;
- (g) the victim stopping /or changing the way they socialise.

N.B Victims who try to continue their existing routines in defiance of a stalker, may still be able to evidence substantial impact on their usual day-to-day activities, depending on the individual case.

# Recent changes

ACPO and CPS Protocol on the appropriate handling of stalking offences between the CPS and ACPO

[http://www.cps.gov.uk/publications/agencies/stalking\\_protocol.pdf](http://www.cps.gov.uk/publications/agencies/stalking_protocol.pdf)

New Protective Orders – December 2016

Campaigned for sentencing guidelines and an increase in sentences from 5 to 10 years. January 6 2017 Government U-turned on this.

# Investigation and Evidence - Common Gaps

- Evidence of email activity
- Inappropriate/intimidating text messages/letters/ answer phone messages/ social network sites
- Objects used in incidents
- Forensics, DNA, handwriting samples
- Videos/ photographs (consider covert surveillance)
- Statements from friends/ family/ witnesses, including GPs and colleagues from school and work
- Identification of civil matters such as family court disputes which are used to harass
- Victim personal statement
- Diaries/incident log
- CCTV/ ANPR/financial/Smartcards
- Other communications data e.g. SatNavs, routers, mobiles, laptops, etc
- Evidence of preparation for the harassment



# Perpetrator management

- Proactive targeting
- Remand in custody/stringent bail conditions
- Electronic tagging
- Bad character evidence
- Civil injunctions
- Restraining orders (On conviction of s2/4/32 or acquittal of ANY offence)
- Robust action on breaches
- Indeterminate public protection sentences
- National Stalking Clinic referral/assessment
- **Mental health assessments (through CJS)**
- **Appropriate sentences to allow for treatment**
- Information in case file on risk assessment to inform probation reports, bail considerations, requirements in orders, etc
- MAPPA referral
- Ancillary orders should be considered at sentencing - non-molestation orders, harassment injunctions, Sexual Offences Prevention Orders (SOPOS), etc.

The offender should be at the centre of the investigation – not the victim



**Evidence Gathering in Domestic Violence Cases**

# Register for serial stalker



Stalkers steal lives and take lives. Kirsty Treloar and Jane Clough were murdered by their stalkers months after giving birth.

Both perpetrators were serial. Serial stalkers and DV perps should be managed like sex offenders through VISOR and MAPPA with orders that place a positive obligation on them to change their behaviour.

# References

- Richards, L., Letchford., S., Stratton, S. (2008). Policing Domestic Violence. London: Oxford University Press.
- Richards, L. (2004), 'Getting Away With It': A Profile of the Domestic Violence Sexual Offences and Offenders. London: Metropolitan Police Service [www.dashriskchecklist.co.uk](http://www.dashriskchecklist.co.uk)
- Richards, L. (2003). Findings from the Multi-Agency Domestic Violence Murder Reviews prepared for ACPO Homicide Working Group. London: Metropolitan Police Service [www.dashriskchecklist.co.uk](http://www.dashriskchecklist.co.uk)
- Fletcher. H. (2011). A Study of 80 stalkers in the Criminal Justice System, NAPO [www.napo.org.uk](http://www.napo.org.uk)
- Richards, L. (2011). Victim's Voice: the experience of victims of stalking in the criminal justice system [www.dashriskchecklist.co.uk](http://www.dashriskchecklist.co.uk) [www.paladinservice.co.uk](http://www.paladinservice.co.uk)
- Richards, L. Fletcher, H., and Jewell, D. (2012). Findings from the Independent Parliamentary Stalking Law Reform Inquiry [www.dashriskchecklist.co.uk](http://www.dashriskchecklist.co.uk) [www.paladinservice.co.uk](http://www.paladinservice.co.uk)
- Sheridan, L., and Davies, G, M. (2001). Violence and prior victim relationship. Criminal Behaviour and Mental Health, 11, 102-116.
- Sheridan, L. (2005). Paper on Key Findings from the [www.stalkingsurvey.com](http://www.stalkingsurvey.com)

# Resources

- Home Office Circular 018/2012 <https://www.gov.uk/government/publications/a-change-to-the-protection-from-harassment-act-1997-introduction-of-two-new-specific-offences-of-stalking>
- Advice and guidance for victims: [www.stalkinghelpline.org](http://www.stalkinghelpline.org)
- Advice leaflet for police and all agencies [www.paladinservice.co.uk](http://www.paladinservice.co.uk)
- Diary for victims [www.paladinservice.co.uk](http://www.paladinservice.co.uk)
- DASH Risk Model [www.dashriskchecklist.co.uk](http://www.dashriskchecklist.co.uk)
- 11 Stalking Screening Tool (S-DASH) Questions <http://paladinservice.co.uk/guidance-for-professionals/>
- Cyber and Digital Stalking Guidance [www.womensaid.org.uk](http://www.womensaid.org.uk)
- National Police Improvement Agency (NPIA) now College of Policing Practice Advice on Investigating Stalking & Harassment (pdf)  
<http://www.acpo.police.uk/documents/crime/2009/200908CRISAH01.pdf>
- Crown Prosecution Service (CPS) Guidance on Stalking & Harassment  
[http://www.cps.gov.uk/legal/s\\_to\\_u/stalking\\_and\\_harassment/#a02b](http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/#a02b)
- Crown Prosecution Service (2013). Guidance on Prosecutions Involving Social Media.  
[http://www.cps.gov.uk/legal/a\\_to\\_c/communications\\_sent\\_via\\_social\\_media/index.html](http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/index.html)