



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

05 January 2017

NIAR 462-16

Adrienne Reilly & Tim Moore

Incidence and Prevalence of Stalking in Northern Ireland

The focus of this briefing paper is the identification and provision of information on the level of stalking in Northern Ireland. The paper highlights the difficulty in establishing this level, here and elsewhere, due to a lack of an agreed definition of stalking. The paper notes three main potential sources of information: official incidence data about the number of cases coming to the attention of the police or the courts; social surveys of the general population; and information collected and provided by pressure/support groups or service providers. The paper considers the availability in Northern Ireland of the first two sources of such data but concludes that the extent of this information is extremely limited. The paper, therefore, contains no data relating specifically to stalking. It does, however, contain data on prosecutions and recorded crime relating to harassment. A description of the specific stalking offences now contained in legislation in England and Wales and in Scotland is included in the paper. These offences are closely related to the offence of harassment and this paper does contain courts and recorded crime data relating to harassment in Northern Ireland. Whilst the paper does not contain information collected by pressure/support groups or service providers, it is expected that the Committee for Justice will receive this type of information in response to its call for evidence during its review of the need for stalking legislation in Northern Ireland. In addition, this paper forms part of a series papers and data relating to specific stalking offences or activities, where available, in other jurisdictions will be included where appropriate.

1 INTRODUCTION

On 22 November 2016, the Committee for Justice launched its review of the need for stalking legislation in Northern Ireland. In addition to a public call for evidence, the committee commissioned three research reports on various aspects of stalking for consideration in early 2017. This is the first of three papers to be provided to the committee in this regard.

Paper 1 is a general paper setting out in brief the background to: legislation on harassment and stalking in England & Wales, Scotland and Northern Ireland; the prevalence of stalking together with consideration of the existing sources of data on that exists in Northern Ireland in relation to harassment. Paper 2 will look in greater detailed paper at interpretative legislative provisions, as well as backgrounds, campaigns and ongoing issues of concern for England and Wales, Scotland, Northern Ireland and the Republic of Ireland. Paper 3 will look at key stalking legislation in other common law jurisdictions.

2 BACKGROUND

There is currently no legal definition of stalking in England & Wales, Scotland, Northern Ireland or the Republic of Ireland. This is in spite of the fact that specific offences relating to stalking are contained in legislation relating to England and Wales and now also form part of Scottish law.

In general terms, stalking is used to describe obsessive behaviour involving harassment of an individual through unwelcome and repeated behaviour including pursuing a person's physical movements, their on-line profiles, contacting by phone, or turning up at a person's home or place of work.

The terms stalking and harassment are often used interchangeably, and this can cause some difficulty in identifying and understanding the crime of stalking. Stalking, however, can be considered a serious form of harassment and this may be reflected in the differing sanctions that relate to each type of activity.

3 ENGLAND AND WALES

The law of England & Wales provides a useful starting point, when considering the relationship between harassment and stalking legislation.

3.1 *The Protection from Harassment Act 1997*

The *Protection from Harassment Act 1997* (PHA 1997) when introduced was initially seen as a 'Stalking Bill' and intended to tackle all forms of harassment including stalking. It was introduced following public debate and a government consultation on the ongoing problem of dealing with stalking both in law and practice.¹

In relation to England and Wales, the PHA 1997 created a new offence of harassment as well as civil remedies and restraining orders in relation to this offence. The PHA 1997, however, did not define 'harassment'. It did, though, state that harassment includes 'alarming a person' or 'causing a person distress'. Under the PHA 1997, it is an offence for a person to pursue a course of conduct which amounts to harassment of one or more persons. It is also an offence under the PHA 1997 to put people in fear of violence. Legal guidance issued by the Crown Prosecution (the CPS) states that it uses the term harassment to cover both the offence of 'causing alarm or distress' and the offence of 'putting people in fear of violence'. Regarding what amounts to 'a course of conduct', CPS guidance states that:

When considering an offence under the Protection from Harassment Act 1997, the prosecution will need to prove that the defendant pursued a course of conduct which amounted to harassment or stalking. The Act states that a "course of conduct" must involve conduct on at least two occasions.

The conduct in question must form a sequence of events and must not be two distant incidents (*Lau v DPP* (2000), *R v Hills* (2000)). Each individual act forming part of a course of conduct need not be of sufficient gravity to be a crime in itself; however, the fewer the incidents, the more serious each is likely to have to be for the course of conduct to amount to harassment: *Jones v DPP* [2011] 1 W.L.R. 833.²

Regarding whether a person ought to know that a course of conduct amounts to harassment, under the PHA 1997, 'the question to be considered is whether a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other'.³

¹ Home Office, Stalking – *The Solutions: A Consultation Paper*, July 1996 see <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/RP96-115>

² Crown Prosecution Service, Guidelines on prosecuting cases involving communications sent via social media http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

³ Crown Prosecution Service, Legal Guidance on Stalking and Harassment http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/

3.2 The Protection of Freedoms Act 2012: Stalking Provisions

In relation to the PHA 1997, a Home Office circular notes that 'The legislation was always intended to tackle stalking, but the offences were drafted to tackle any form of persistent conduct which causes another person alarm or distress'.⁴ Nevertheless, in 2012, the *Protection of Freedoms Act 2012* (PoFA 2012) created two new offences of stalking by inserting new sections (2A and 4A) into the PHA 1997. According to the Home Office Circular:

Section 2A of the 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 where an individual is fixated and/or obsessed with another. This can be exhibited by pattern of persistent and repeated contact with, or attempts to contact, a particular victim.

And:

Section 4A of the 1997 Act prohibits a course of conduct relating to the offence of stalking involving fear of violence or serious alarm or distress.

The first arm of the offence prohibits a course of conduct that causes the victim to fear, on at least two occasions that violence will be used against them (which is similar to the existing section 4 offence).

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 recognize the serious impact that stalking may have on victims, even where an explicit fear of violence is not created by each incident of stalking behaviour.

According to the CPS's 'Legal Guidance on Stalking and Harassment',⁵ the new stalking offences:

- Highlighted stalking as a specific behaviour as opposed to harassment more generally.
- Closed the lacuna when a course of conduct fell short of causing a victim to feel fear of violence but nevertheless caused a victim serious alarm or distress.

⁴ Home Office circular 018/2012: A change to the Protection from Harassment Act 1997: introduction of two new specific offences of stalking (Issue date: 16 October 2012)

<https://www.gov.uk/government/publications/a-change-to-the-protection-from-harassment-act-1997-introduction-of-two-new-specific-offences-of-stalking>

⁵ Crown Prosecution Service, Legal Guidance on Stalking and Harassment

http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/

- Through the additional element in the new s4 A offence, enables cases to be prosecuted when the defendant's behaviour falls short of fear of violence.
- Affords more protection to victims of stalking.

Stalking behaviours

As noted, no definition of stalking is included in the PHA 1997. Section 2A (3) of the PHA 1997, however, lists examples of behaviours associated with stalking. The list is not exhaustive but gives an indication of the types of behaviour that may be displayed in a stalking offence. The listed behaviours are:

- Following a person
- Contacting, or attempting to contact, a person by any means
- Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person,
- Monitoring the use by a person of the internet, email or any other form of electronic communication
- Loitering in any place (whether public or private)
- Watching or spying on a person.

It is open to the courts to consider other acts that may constitute stalking but not listed above. According to CPS guidance, it is the 'course of conduct' assessment that must fit in order for the behaviour to be interpreted as stalking.⁶ A protocol on the appropriate handling of stalking offences between the CPS and the Association of Chief Police Officers (ACPO) states that:

Prosecutors will examine the impact on the victim as well as the conduct of the suspect to determine whether someone has been stalked or harassed. The detailed statement from the victim along with a Victim Personal Statement will help determine the right charge.

In some cases, the distinction between a stalked person and a harassed person will not be clear-cut as the definitions overlap. However, where the course of conduct involves significant elements of stalking behaviour, a charge under section 2A or 4A of the PHA 1997 will always be the starting point.⁷

⁶ P 8, Crown Prosecution Service, Legal Guidance on Stalking and Harassment at http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/

⁷ Protocol on the appropriate handling of stalking offences between the Crown Prosecution Service & ACPO (Association of Chief Police Officers) paragraphs 6.3 and 6.4
https://www.cps.gov.uk/publications/agencies/stalking_protocol.pdf

As noted above, the test for the prosecutor to consider is whether a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.

Introduction of stalking protection orders

On 7th December 2016, the UK Government announced, as part of a package of measures to prevent violence against women and girls,⁸ that it would introduce a Stalking Protection Order to help protect victims at the earliest possible opportunity and deter perpetrators. The new order is intended to be available to the police on application to the courts and will allow the imposition of both restrictions and other measures such as a requirement to attend a treatment programme.

4 SCOTLAND

4.1 *The Protection from Harassment Act 1997*

Before 2010 in Scotland there was no specific crime of stalking. Stalking behaviour was prosecuted as a breach of peace offence, which covered a broad range of anti-social behaviour.

Sections 8 – 12 of the PHA 1997 apply specifically to Scotland. Section 8 defines harassment as a course of conduct that is intended to amount to harassment or where a reasonable person would see the behaviour as harassment. This action includes speech and includes causing someone 'alarm or distress'. The course of conduct must involve two actions. A breach of this section may result in civil proceedings, damages or an injunction including a 'non-harassment order'.

4.2 *The Criminal Justice and Licensing (Scotland) Act 2010: Criminal Offence of Stalking*

It wasn't until the Criminal Justice and Licensing (Scotland) Act in 2010 that stalking was codified as a criminal offence in Scotland. The Scottish Government overview of the relevant provision is set out below.

Section 39 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#), which came into force on 13 December 2010, provides for a specific criminal offence of stalking.

The offence of stalking occurs when a person (A) engages in a course of conduct (involving conduct on at least two separate occasions) which causes person (B) to feel fear or alarm. In order for an offence to take place (A) does not actually have to act with the intention of causing (B) to feel fear or alarm, it is enough that (A) knew or

⁸ Home Office (7 December 2016) New protection for victims of 'stranger stalking'
<https://www.gov.uk/government/news/new-protection-for-victims-of-stranger-stalking>

ought to have known that engaging in the particular course of conduct would be likely to cause (B) to feel fear or alarm.

The Act defines 'Conduct' as including:

- following B or any other person,
- contacting or attempting to contact B or any other person,
- publishing any statement relating or purporting to relate to B or any other person, or purporting to originate from B or from any other person,
- monitoring the use by B or any other person of the internet, email or any other form of electronic communication,
- entering any premises
- loitering in any place (whether public or private)
- interfering with any property in the possession of B or of any other person
- giving anything to B or to any other person or leaving anything where it may be found by, given to, or brought to the attention of B or any other person
- watching or spying upon B or any other person
- acting in any other way that a reasonable person would expect would cause B to suffer fear or alarm.

The Act provides three possible defences to the offence of stalking:

1. The course of conduct was authorised by virtue of any enactment or rule of law.
2. That it was engaged for the purpose of preventing or detecting crime; or
3. That it was, in the particular circumstances, reasonable.

The maximum penalty on summary conviction is 12 months or a fine not exceeding the statutory maximum, or both. The maximum penalty on conviction on indictment is 5 years imprisonment or a fine or both

5 NORTHERN IRELAND

5.1 *The Protection from Harassment (Northern Ireland) Order 1997*

*The Protection from Harassment (Northern Ireland) Order 1997*⁹ (the 1997 Order) mirrors the wording of the PHA 1997 provisions relating to harassment. It does not, however, contain the stalking provisions which, through the amendments introduced by the POFA, now form part of the PHA 1997.

Also, under article 4 in the 1997 Order, a person may also be sentenced on conviction on indictment for up to two-years imprisonment. Under section 2 of the PHA 1997 (for England and Wales) for the same offence provisions are only made for summary conviction an imprisonment of up to six months.

⁹ 1997 No. 1180 (N.I. 9), 8th April 1997

6 MEASURING THE INCIDENCE AND PREVALENCE OF STALKING IN NORTHERN IRELAND

Before considering potential sources of information on stalking in Northern Ireland, it is worth underling the definitional issues which are encountered when dealing with this topic. This issue was highlighted in a 2002 report on stalking and harassment in Scotland, which noted that *'The literature on stalking and harassment is unanimous in flagging the lack of an agreed definition. Much attention is devoted to the problems that stem from this lack in assessing the nature, extent and prevalence of stalking, as well as in framing measures to deal with such behaviour'*.¹⁰ Whilst the report may be more than a decade old the problem with definitional issues remains. The report goes on to state in relation to the incidence and prevalence of stalking and harassment that:

Not surprisingly, the starting point for research in this area is to ask how common this type of victimisation actually is; consequently, there is a developing body of literature on measuring incidence and prevalence. Incidence is a measure of the number of stalking cases; prevalence is usually a measure of the proportion of victims of stalking in the population.

In principle, there are three main ways in which the scale of the problem might potentially be quantified. The first is by reference to 'official' incidence data about the number of cases coming to the attention of the police or the courts that may involve stalking or related forms of harassment. The available data tend to be very thin, however, and to relate to forms of victimisation which, although perhaps sharing some commonalities with stalking, are by no means synonymous with it. Moreover, the data relate only to those cases that are actually reported to (and recorded by) the authorities.

The second potential source of information about the extent of the problem is the information collected and provided by pressure groups and service providers, such as the National Anti-Stalking Campaign (NASH). Such figures are also highly problematic, however, as it is impossible to generalise to wider population or to know how typical those cases coming to the attention of the service provided actually are.

The third - and potentially most powerful - indicator of the extent of stalking consists comes from social surveys of the general population. While these address the problems of unreported cases, they do raise important questions about sample coverage, question wording and the definition of stalking used.

In practice, then, the available picture of the extent of the problem is fragmentary - drawing on data of different types and using a range of different definitions.¹¹

¹⁰ Stalking and Harassment in Scotland (2002) <http://www.gov.scot/Publications/2002/11/15756/13130>

¹¹ As above

The following sections of this paper provide 'official' incidence data and consider the information collected from social surveys. It should be noted, however, that the observation made above regarding the 'thin' nature of such data is particularly relevant in relation to Northern Ireland. Whilst the paper does not contain information collected by pressure groups or service providers, it is expected that the Committee will receive this type of information in response to its call for evidence.

6.1 Police and Courts Data

In response to an Assembly Question submitted by Brenda Hale, MLA, asking the Minister of Justice to detail the number of prosecutions for stalking under the *Protection of Harassment (Northern Ireland) Order 1997*, the Department stated that:

Stalking is a colloquial term and there is no specific offence of stalking in Northern Ireland. A number of offences, namely, harassment; causing another to fear violence; breach of an injunction prohibiting harassment; and breach of a restraining order may be prosecuted under the Protection from Harassment (Northern Ireland) Order 1997.¹²

The data contained in Tables 1, 2 & 3 below was provided to RaISe by the Department of Justice. The data is a combination of information already provided in response to a number of Assembly Questions.^{13,14}

Table 1¹⁵ *Number of convictions and custodial sentences for harassment offences under the Protection from Harassment (Northern Ireland) Order 1997 (2010 – 2014)*

	2010	2011	2012	2013	2014
Convictions	123	130	171	172	156
Custodial Sentence	17	25	23	39	25

Table 1 shows that the number of convictions and those receiving custodial sentences peaked in 2013. In that same time period, the proportion of convictions (just over 1 in 5) resulting in a custodial sentence also peaked.

Tables 2 and 3 below, which contain data based on a principal offence basis show the annual number of harassment convictions ranging from between 103 and 139, with approximately between 80% and 90% of defendants being male.

¹² AQW 325/16-21 Mrs Brenda Hale (Democratic Unionist Party) Lagan Valley Tabled Date: 31/05/2016 Answered On Date: 02/06/2016 <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=265454>

¹³ AQW 325/16-21 <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=265454>

AQW 486/16-21 <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=265762>

AQW 654/16-21 <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=266034>

¹⁴ Addressing the discrepancy between the numbers contained in Table 1 and that contained in Tables 2 and 3 (which have same total figures), the Department has clarified that the figures in Table 1 are based of convictions where 'at least one offence' was for harassment, whereas the figures in Tables 2 and Table 3 have been collated on a principal offence basis.

¹⁵ Notes (1) Figures relate to convictions which included at least one offence of harassment. (2) The figures provided relate to convictions for all classifications of the offence specified. (3) Figures relate to initial disposals at court: disposals as a result of appeals are not included.

Table 2 *Number of convictions for offences under the Protection from Harassment (Northern Ireland) Order 1997 (2010 – 2015)*¹⁶

	2010	2011	2012	2013	2014	2015
Harassment	103	110	139	126	127	126
Breach of injunction prohibiting harassment	1	4	-	2	4	1
Breach of restraining order	2	7	14	19	18	31

¹⁶ Notes (1) Data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included. (2) The figures provided relate to convictions for all classifications of the offences specified. (3) Figures relate to initial disposals at court: disposals as a result of appeals are not included.

Table 3 Convictions where principal offence was a harassment related offence, by gender and age band of defendant (2010 – 2015)

Age band	2010			2011			2012			2013			2014			2015		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
10 - 17	4	-	4	*	*	*	*	*	#	#	*	#	*	-	*	*	*	#
18 - 24	13	2	15	17	4	21	16	1	17	12	8	20	17	-	17	26	-	26
25 - 29	15	3	18	13	1	14	#	*	#	15	5	20	16	2	18	18	1	19
30 - 39	21	1	22	25	4	29	30	7	37	26	5	31	32	6	38	28	4	32
40 - 49	26	7	33	27	7	34	33	9	42	35	6	41	25	8	33	36	7	43
50 - 59	12	1	13	8	2	10	19	5	24	19	1	20	26	2	28	23	3	26
60 & over	3	-	3	#	*	#	15	1	16	#	*	#	#	*	#	#	*	#
Total	94	14	108	102	22	124	126	29	155	121	28	149	128	21	149	140	18	158

Note:

1. Data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.
 2. The figures provided relate to convictions for all classifications of the offences specified.
 3. Figures relate to initial disposals at court: disposals as a result of appeals are not included.
 4. Offences included are: Harassment, Causing another to fear violence, Breach of injunction prohibiting harassment and Breach of restraining order.
- * means a figure ≤ 3 has been treated to prevent disclosure of small numbers in the 10 - 17 age group.
means a figure > 3 has been treated to prevent disclosure of small numbers elsewhere.

6.2 Police Recorded Crime Statistics

The Police Service of Northern Ireland (PSNI) publishes figures on the levels and trends of crime in Northern Ireland, based on police recorded crime data. These figures are, however, restricted to a subset of notifiable offences that have been reported to and recorded by the police. The information contained in this section of the paper is based on this data. The following section of the paper considers the information contained in the Northern Ireland Crime Survey, which is published by the Department of Justice. As the PSNI User Guide to Police Recorded Crime Statistics in Northern Ireland states regarding the two data sets, 'Each source of crime information has different strengths and limitations but can be looked at together to provide a more comprehensive picture of crime than could be obtained from either series alone'.¹⁷

The user guide indicates that information on harassment is contained in relation to victim-based offences under the heading 'Violence against the person'. This classification is further split into homicide, violence with injury and violence without injury. This guidance explains that the categories described below are included within violence without injury:

Threats to kill: This is where an individual fears that the offender's threat is real and may be carried out.

Harassment offences: These are incidents where no other substantive notifiable offence exists, but when looked at as a course of conduct are likely to cause fear, alarm or distress. In Northern Ireland these will incorporate offences of intimidation such as intimidation to leave residence/occupation, intimidation to leave employment or to do/refrain from doing any act.

Assault without injury offences: Those offences where, at the most, a feeling of touch or passing moment of pain is experienced by the victim. Other offences within this classification include conspiracy to murder, cruelty to children/young persons, child abduction, kidnapping, assault on police without injury and modern slavery.

Domestic Abuse: Recorded crime statistics do not specifically identify offences of domestic abuse. However, where there is a domestic abuse motivation associated with any incident or recorded crime, PSNI will record this motivating factor on the individual incident or crime record. These figures are available in separate bulletins dedicated to statistics on incidents and crimes with a domestic abuse motivation.

Hate Motivations: While in England & Wales there are specific offences in law of racially or religiously aggravated assault, these offences do not exist in Northern Ireland. However as with domestic abuse, PSNI will record a motivating factor relating to hate (racist, homophobic, sectarian, faith/religion, disability and transphobic) on the individual crime record where it is appropriate to do so. These figures are available in separate bulletins dedicated to statistics on incidents and crimes with a hate motivation.¹⁸

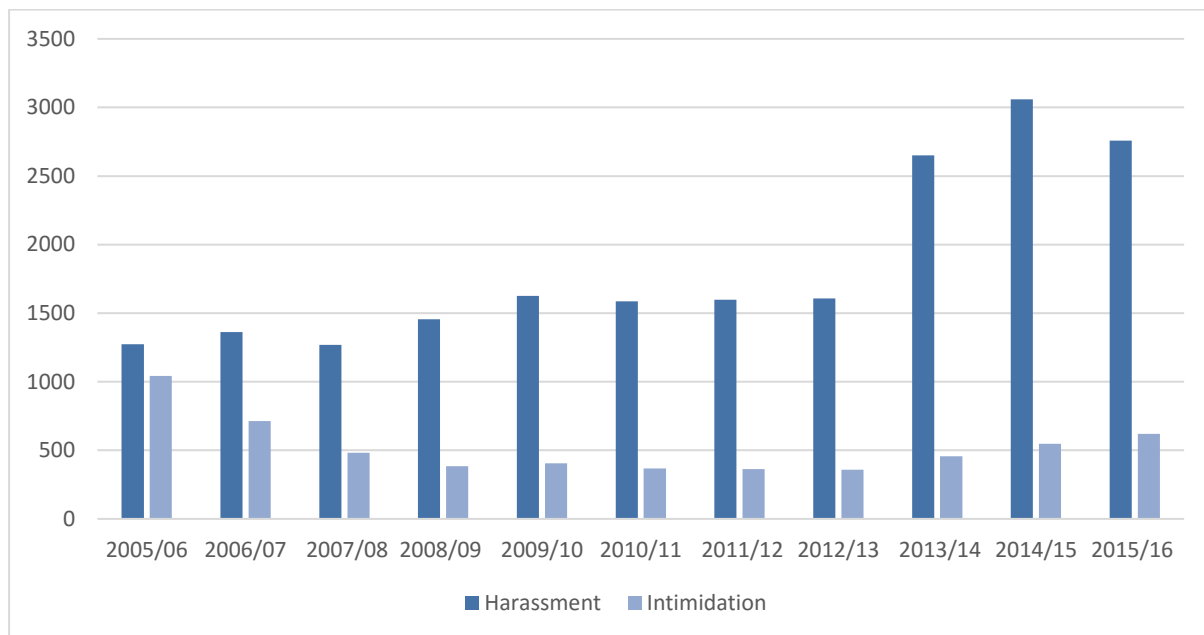
¹⁷ Police Service of Northern Ireland User Guide to Police Recorded Crime Statistics in Northern Ireland (Last updated May 2016)

<https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/crime-user-guide-updated-may-16.pdf>

¹⁸ As above para 3.1.2

Presumably because stalking is not a specific criminal offence in Northern Ireland, there is no specific reference to stalking.¹⁹

Table 5 Harassment and Intimidation 2005-2016



Source: Table 2.2 Police Service of Northern Ireland Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2015/16 Annual Bulletin published 01 December 2016

The commentary in the report refers to baseline figures from 1998/99 (which are included within the report) and states in relation to harassment (including intimidation) that:

Looking at harassment offences only, these have shown a general upward trend from a level of 234 in 1998/99 to around 1,600 offences recorded in each of the four years between 2009/10 and 2012/13. Levels of harassment rose by 64.9 per cent between 2012/13 and 2013/14 (from 1,608 to 2,651), with a further increase of 15.4 per cent in 2014/15 to reach 3,059 offences. There were 2,759 offences recorded in 2015/16, 9.8 per cent lower than 2014/15.

Intimidation is an offence in legislation in Northern Ireland but not within England and Wales and would be associated with the Northern Ireland security situation, involving offences such as intimidation residence/occupation [sic], person to leave employment or to do/refrain from doing any act. Intimidation offences reached levels of more than 1,000 in 2002/03, 2003/04 and 2005/06. However, levels then dropped to 383 offences recorded in 2008/09. Similar levels were recorded between 2008/09 and 2012/13 when 358 offences were recorded. Since then levels have shown a year on

¹⁹ Page 19, section 3.2.1, violence without injury, in section 3, Police Service of Northern Ireland, User Guide to Police Recorded Crime Statistics in Northern Ireland, March 2016, Statistics and Research Agency. https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police_recorded_crime_in_northern_ireland_1998-99_to_2015-16.pdf

year increase with 620 offences recorded in 2015/16. While this is the second highest level in the last ten years, it is 45 per cent lower than the peak of 1,128 recorded in 2002/03.

Online harassment

The 'Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2015/16 Annual Bulletin' contains a specific section on online crime and states in relation to the relevant Home Office definition and guidance on the term that:

Online crime (formerly cyber-crime) is identified through the use of a 'flag' on the crime recording system. Its aim is to help provide a national and local picture of the extent to which the internet and digital communications technology are being used to commit crimes. An offence should be flagged where the reporting officer believes that on the balance of probability the offence was committed, in full or in part, through a computer, computer network or other computer-enabled device. P38

Tables 6 and 7 below provide information relating to the age and gender of victims of harassment which has been flagged as an online crime.

Table 6 Online crime by offence (Harassment) and age, 2014/15 and 2015/16

	Under 18		18+		Total	
	<u>2014/15</u>	<u>2015/16</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2014/15</u>	<u>2015/16</u>
Harassment	42	43	289	268	331	311

Source: Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2015/16 Annual Bulletin Table 4.2

From the data contained in Table 6, it can be seen that, in terms of harassment occurring as an online crime and where age of victim was known, approximately 9 in 10 victims were aged 18 or older.

In terms of harassment as an online crime and where gender of victim was known, the data contained in Table 7 indicates that around two thirds female of victims were female.

Table 7 Online crime by offence (Harassment) and gender, 2014/15 and 2015/16

	Female		Male		Total	
	<u>2014/15</u>	<u>2015/16</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2014/15</u>	<u>2015/16</u>
Harassment	223	207	108	103	331	310

Source: Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2015/16 Annual Bulletin Table 4.3

Providing a broader overview of online crime and victim age and gender profile, the report states that in 2015/16:

There were 640 online crimes recorded in 2015/16 where victim age was applicable or known, and 638 online crimes recorded where victim gender was applicable or known. Age and gender information were unavailable for 23 per cent of online crimes in 2015/16; in the vast majority of these cases the offence is regarded as a 'state-based' offence and therefore victim age and gender are not applicable.

Victim Age: Where victim age was available, those aged under 18 represented 32 per cent while victims aged 18+ represented 68 per cent. Those aged under 18 were most likely to be victims of sexual activity offences with an online crime motivation, with 114 such offences recorded in 2015/16 representing 55 per cent of all online crime where the victim was under 18. In 2015/16 those aged 18+ were most likely to be victims of harassment (268 offences) or blackmail (94 offences) with an online crime motivation, representing 62 per cent and 22 per cent respectively of all online crime where the victim was aged 18+.

Victim Gender: Where victim gender was available, females represented 59 per cent while male victims represented 41 per cent. Females were most likely to be victims of harassment (207 offences) and sexual activity (86 offences) with an online crime motivation, representing 55 per cent and 23 per cent respectively of online crime where the victim was female. Males were most likely to be victims of harassment (103 offences) and blackmail (92 offences) with an online crime motivation, representing 39 per cent and 35 per cent respectively of online crime where the victim was male.²⁰

6.4 Northern Ireland Crime Survey 2014-2015

The Northern Ireland Crime Survey (NICS) is a representative, continuous, personal interview survey of the experiences and perceptions of crime of approximately 4,000 adults living in private households throughout Northern Ireland. Previously conducted on an ad hoc basis in 1994/95, 1998, 2001 and 2003/04, the NICS began operating on a continuous basis in January 2005.

The NICS is described as an alternative, but complementary, measure of crime to offences recorded by the police. The main stated aims of the NICS are to:

- measure crime victimisation rates experienced by people living in private households, whether or not these crimes were reported to or recorded by the police
- monitor trends in the level of crime, independent of changes in reporting levels or police recording practices
- measure people's perceptions about and reactions to crime (for example, the level and causes of crime, the extent to which they are concerned about crime and the effect of crime on their quality of life)

²⁰ P 39, Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2015/2016 Annual Bulletin at https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police_recorded_crime_in_northern_ireland_1998-99_to_2014-15.pdf

- measure public confidence in policing and the wider criminal justice system
- collect sensitive information, using self-completion modules, on people's experiences regarding crime-related issues, such as sexual violence and abuse, illicit drugs and domestic violence²¹

Whilst a number of questions relating to harassment were included in the most recent (2014–2015) NICS, it contains no questions specifically addressed stalking. This is in contrast to the Crime Survey for England and Wales (CSEW) which contains a module²² on domestic violence, sexual victimisation and stalking. This module contains a number of gateway questions such as those below, which are then followed by questions seeking further detail.

Since the age of 16 has **anyone** (This may have been a partner, a family member, a friend or work colleague, someone you knew casually, or a stranger) ever:

- sent you more than one unwanted letter, text message or card that was either obscene or threatening and which caused you fear, alarm or distress?
- made more than one obscene, threatening, nuisance or silent phone call to you which caused you fear, alarm or distress?
- waited or loitered outside your home or workplace on more than one occasion in a manner which caused you fear, alarm or distress?
- followed you around and watched you on more than one occasion in a manner which caused you fear, alarm or distress?
- sent you more than one unwanted email or social network message that was obscene or threatening and which caused you fear, alarm or distress?
- put personal, obscene or threatening information about you on the internet on more than one occasion and which caused you fear, alarm or distress?

7 CONCLUSION

As cited above, the development of policy and law relating to stalking would benefit from a clear understanding of the nature and extent of this type of victimisation or harassment. However, definitional problems and the limited availability of specific and relevant data are common to consideration of this activity. Given the availability of data in Northern Ireland, this paper has only been able to provide limited data from police, courts and social surveys. Furthermore, this information relates to harassment rather than the more specific activity of stalking.

²¹ Department of Justice <https://www.justice-ni.gov.uk/articles/northern-ireland-crime-survey>

²² 2015-16 Crime Survey for England and Wales Questionnaire (from April 2015) SELF COMPLETION MODULE: DOMESTIC VIOLENCE SEXUAL VICTIMISATION AND STALKING